

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

v.

2 - FRANCIS P. SALEMME,
3 - JAMES J. BULGER,
4 - STEPHEN J. FLEMMI,
1 - ROBERT P. DELUCA, and
7 - JAMES M. MARTORANO

Defendants.

6-23-71
I hereby certify on oath that the
above is a true and correct copy of the
original filed in my office on
6-23-71
Sara A. Thorp
Clerk, U.S. District Court
District of Massachusetts
Crim. No. 94-40287-MCH
By: [Signature] Deputy Clerk
Violations:
18 USC 1962 (c) (d)
18 USC 1963
18 USC 1951
18 USC 1952
18 USC 371
18 USC 894
18 USC 1512
18 USC 2

FOURTH SUPERSEDING INDICTMENT

THE UNITED STATES GRAND JURY in and for the District of
Massachusetts, sitting at Boston, charges that:

COUNT ONE
(18 USC §1962(d))

1. At times material to the allegations contained in this
Indictment:

(a) Continuously between 1965 and the present there
existed in the District of Massachusetts and elsewhere a secret
criminal organization known by various names, including "La Cosa
Nostra," "Stu Cosa," "The Mafia," "This Thing of Ours," and "This
Thing," which operated throughout the United States through
entities known as "Families," and was ruled on a national level
by a "Commission," traditionally located in New York City,
composed of the heads or "Bosses" of the most powerful Families.

(1) The Patriarca Family of La Cosa Nostra (the
"Family"), which operated in the Districts of Massachusetts,

Rhode Island, Connecticut, and elsewhere derived its name from its former Boss, Raymond L. S. Patriarca, who headed the Family until his death on July 11, 1984 and who was then succeeded by his son, Raymond J. Patriarca, a/k/a "Junior," until he was succeeded by the defendant FRANCIS P. SALEMME.

(2) The Patriarca Family existed and acted in conformity with the rules of La Cosa Nostra (LCN).

(3) The Patriarca Family was structured as follows: The Family was headed by a "Boss." Second-in-command was an "Underboss." Below the Underboss were a number of "Capo Regimes" or "Capos", who acted as lieutenants or captains in the organization in charge of a Regime or "crew." A number of men, each of whom were known as "Soldiers" or "made" members of the Family, were assigned to each Regime. A "Consigliere" or counselor acted as the advisor to the Family. In addition, the Family utilized "associates" who, although not "made" members of the Family, participated in the activities of the Family, performed necessary and helpful roles in the criminal endeavors of the Family, and served as insulation from criminal exposure for Soldiers and the remaining hierarchy of the Family.

(4) During 1981, Raymond L.S. Patriarca was the Boss of the Family. The Underboss was Gennaro Angiulo. V. Nicolo Angiulo was the Consigliere of the Family. The Capo Regimes included Ilario Zannino, a/k/a "Larry Baione", Donato Angiulo, Samuel Granito, Nicholas Bianco, and Peter Joseph Limone.

(5) As of October 1989, Raymond J. Patriarca was the Boss of the Family. The Underboss was Nicholas A. Bianco. Joseph A. Russo was the Consigliere and acted as the Underboss for the Greater Boston area. The Capo Regimes included Charles Quintina, Vincent M. Ferrara, Robert F. Carrozza, and Biagio DiGiacomo in Boston and Matthew L. Guglielmetti, Jr., in Rhode Island.

(6) As of 1991, the defendant FRANCIS P. SALEMME was the Boss of the Family. Charles Quintina was the Consigliere of the Family. The defendant JAMES M. MARTORANO was a Capo Regime. The defendant ROBERT P. DELUCA was a Soldier.

(7) Members and associates were required to obey their superiors in the Family and to commit criminal acts at their direction, including murder.

(8) Members of the Family shared in the illegal profits of the criminal activity of others and were, in turn, responsible for sharing these illegal profits with their superiors in the Family.

(9) The Family acted with the purpose of controlling, supervising, financing, and otherwise participating in and deriving income from illegal activities, including illegal gambling, extortion, loansharking, and narcotics distribution businesses and the collection of unlawful debts.

(10) The Family acted to perpetuate its existence by selecting new leaders and by "making" or "baptizing" new

members who had undergone an apprenticeship in crime, had received instructions as to the law and protocol of the Family, and had fulfilled the other requirements of membership.

(b) Continuously between 1970 and the present there existed in the District of Massachusetts a criminal organization known by various names, including "The Winter Hill Gang" and "South Boston." During the 1970's, this organization was based in Somerville, Massachusetts. Since that time, it has operated from various locations including Boston's West End, South Boston, and Brookline, Massachusetts.

(1) During the 1970's, Howard T. Winter was the Boss of The Winter Hill Gang. The defendants JAMES J. BULGER, STEPHEN J. FLEMMI, and John Martorano acted in supervisory positions under Winter.

(2) In approximately 1979, Winter was convicted of racketeering and incarcerated. John Martorano, who was indicted along with Winter, became a fugitive until his apprehension in January 1995. As a result of these events, the defendants JAMES J. BULGER and STEPHEN J. FLEMMI succeeded Winter as the leaders of the Winter Hill Gang.

(3) The Winter Hill Gang acted with the purpose of controlling, supervising, financing, and otherwise participating in and deriving income from illegal activities, including illegal gambling, extortion, loansharking, and narcotics distribution businesses and the collection of unlawful

debts.

(c) The defendant FRANCIS P. SALEMME is the boss of the Patriarca Family. In 1968, SALEMME attempted to murder an attorney, John Fitzgerald, who represented a government witness, Joseph Barboza. SALEMME also participated in the murders of Edward "Wimpy" Bennett, Walter Bennett, William Bennett and Richard Grasso during 1967. SALEMME engaged in this criminal activity pursuant to his association with and to further the goals of the Patriarca Family. SALEMME was a fugitive between approximately 1969 and 1973, when he was apprehended in New York City. SALEMME was incarcerated until approximately 1988. Upon SALEMME's release from prison, SALEMME was inducted into the Patriarca LCN Family and became a Soldier or "made" member. SALEMME was the target of an assassination plot when he was shot on June 16, 1989 in Saugus, Massachusetts. About this time, William Grasso, then Underboss of the Patriarca Family, was assassinated in Connecticut. Subsequent to June 1989, SALEMME became a Capo Regime in the Patriarca LCN Family. In approximately 1990, SALEMME was placed in control of Boston by then Patriarca Family Boss Raymond J. Patriarca. In approximately 1991, SALEMME travelled to New York City where he met with other members of La Cosa Nostra and was elevated to Boss of the Patriarca Family.

(d) The defendants JAMES J. BULGER and STEPHEN J.

FLEMMI have controlled the Winter Hill Gang since approximately 1979. BULGER, who participated in the organization of the gaming rackets during the 1970's, has often, but not always, acted through intermediaries such as now deceased co-conspirator George Kaufman and the defendant STEPHEN J. FLEMMI since approximately 1979 in order to insulate himself from criminal liability. The Winter Hill Gang controlled illegal activities in the South Boston neighborhood of Boston primarily through the defendant BULGER who maintained a "crew" or group of associates which operated in South Boston. Some of the members of this "crew" are known to the grand jury.

(e) The defendant STEPHEN J. FLEMMI has been a close associate of the defendant FRANCIS P. SALEMME since at least 1967 when FLEMMI participated with the defendant SALEMME in the attempted murder of attorney John Fitzgerald as well as the murders of Edward, Walter, and William Bennett, and Richard Grasso. FLEMMI, too, was a fugitive between 1969 and 1974. In approximately 1974, FLEMMI was offered the opportunity to become a "made" member of the Patriarca LCN Family by Raymond L.S. Patriarca. FLEMMI refused the offer and chose to associate himself with Howard Winter, John Martorano and the defendant BULGER. However, FLEMMI pledged his own and BULGER'S loyalty to Patriarca.

(f) John Martorano was one of the leaders of the

Winter Hill Gang during the 1970's. During this period, he operated a large sports bookmaking business on behalf of the Winter Hill Gang and forced "independent" bookmakers to participate in this business. Martorano became a fugitive in approximately 1979 upon his indictment for racketeering in federal district court. Although a fugitive, Martorano continued to participate in the activities of the Winter Hill Gang until his apprehension in January 1995.

(g) Now deceased co-conspirator George Kaufman had been a member of the Winter Hill Gang since the late 1970's. Kaufman collected extortion payments, also known as "rent" payments, from bookmakers and loansharks for BULGER and FLEMMI. Kaufman also acted as a liaison between these loansharks and bookmakers, on the one hand, and BULGER and FLEMMI, on the other hand, regarding the terms of these "rent" payments. Kaufman's other duties as an intermediary for BULGER and FLEMMI included obtaining authorization from BULGER and FLEMMI to make loans to bookmakers and loansharks in need of financing as well as making arrangements for BULGER and FLEMMI to resolve disputes which arose from these illegal activities. Finally, Kaufman acted on behalf of John Martorano in Martorano's dealings with certain bookmakers and loansharks.

(h) Now deceased co-conspirator Francis P. Salemme, Jr. was the son of the defendant FRANCIS P. SALEMME. Salemme,

Jr. was associated with the Patriarca Family while the defendant FRANCIS P. SALEMME was incarcerated. When FRANCIS P. SALEMME became a Capo Regime, Salemme, Jr. was assigned to his father's "crew."

(i) The defendant ROBERT P. DELUCA is a Soldier in the Patriarca Family. DELUCA was inducted into the Patriarca Family at a ceremony on October 29, 1989 in Medford, Massachusetts. DELUCA has been a frequent companion of the defendant FRANCIS P. SALEMME since at least 1990.

(j) The defendant JAMES M. MARTORANO is the brother of John Martorano. The defendant JAMES M. MARTORANO was a member of the Winter Hill Gang during the 1970's. He was incarcerated between approximately 1976 and 1982. Upon MARTORANO's release from prison, he continued his association with the defendants BULGER and FLEMMI and their co-conspirator George Kaufman. When the defendant FRANCIS P. SALEMME was released from prison in 1988, MARTORANO became closely associated with the defendant SALEMME. MARTORANO subsequently was inducted into the Patriarca Family and was elevated to the position of Capo Regime in 1991. In 1991, MARTORANO participated in a scheme to engage in loansharking activity in Atlantic City, New Jersey with members and associates of the Genovese Family of La Cosa Nostra. MARTORANO engaged in this scheme pursuant to his participation in the affairs of the racketeering enterprise as described in

paragraph (k) below.

THE RACKETEERING ENTERPRISE

(k) At all times material to the allegations contained in this Indictment, in the District of Massachusetts and elsewhere, the defendants

FRANCIS P. SALEMME,
JAMES J. BULGER,
STEPHEN J. FLEMMI,
ROBERT P. DELUCA, and
JAMES M. MARTORANO,

together with other persons known and unknown to the grand jury, including John Martorano, George Kaufman, and Francis P. Salemme, Jr. did constitute an enterprise within the meaning of Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact which was engaged in various criminal activities, consisting of acts involving murder, gambling and extortion in violation of the laws of the Commonwealth of Massachusetts and gambling in violation of the laws of the State of Rhode Island; acts indictable under Title 18, United States Code, Section 1951 involving extortion; acts indictable under Title 18, United States Code, Sections 893 and 894 involving extortionate credit transactions; acts indictable under Title 18, United States Code, Section 1955 involving illegal gambling businesses; acts indictable under Title 18, United States Code, Section 1952 involving interstate travel in aid of racketeering enterprises; and acts indictable under Title 18, United States Code, Section 1512 involving tampering with

witnesses. The individual members of the enterprise used their membership in and association with the Patriarca Family and the Winter Hill Gang to facilitate and to carry out their unlawful activities.

THE RACKETEERING CONSPIRACY

2. In or about and between approximately 1967 and January 1995, in the District of Massachusetts and elsewhere, the defendants

FRANCIS P. SALEMME,
JAMES J. BULGER,
STEPHEN J. FLEMMI,
ROBERT P. DELUCA, and
JAMES M. MARTORANO,

and others, known and unknown to the Grand Jury including John Martorano, George Kaufman, and Francis P. Salemme, Jr., being persons employed by and associated with the enterprise described in paragraph 1(k) of this Count, did unlawfully, willfully, and knowingly conspire, combine, confederate, and agree together with each other and with other persons known and unknown to the grand jury, to conduct and to participate, directly and indirectly, in the conduct of the affairs of the enterprise, which was engaged in and the activities of which affected interstate and foreign commerce, through a pattern of racketeering activity as set forth in paragraphs Twenty-four through Sixty-two of this Count and through the collection of unlawful debt as set forth in paragraph Sixty-three, in violation of Title 18, United States Code, Section 1962(d).

MANNER AND MEANS OF THE CONSPIRACY

3. It was a part of the conspiracy that the defendants and their co-conspirators would use violence and express and implicit threats of violence and of economic harm to exercise control over and obtain money from persons involved in various forms of legal and illegal activity.

4. It was a part of the conspiracy that the defendants and their co-conspirators coordinated their illicit activities in order to avoid conflict and to achieve their mutual goal of enriching themselves through the imposition of "street taxes" or "rent" on persons involved in various forms of legal and illegal activity. In this regard, disputes involving the defendants and their co-conspirators were routinely resolved through meetings known as "sit-downs."

5. During the 1960's, a "gang war" or "mob war" raged in the Greater Boston area. It was a part of the conspiracy that during this period, the defendants SALEMME, FLEMMI, JAMES MARTORANO, and John Martorano allied themselves with a "gang" in Somerville led by James "Buddy" McLean and Howard Winter. This Somerville gang was involved in a "war" with a Charlestown Gang led by George McLaughlin and his brothers, Bernie and Edward "Punchy" McLaughlin. The Somerville gang emerged victorious from this war and became known as the Winter Hill Gang.

6. It was a part of the conspiracy that in or about and between 1967 and the present, individuals engaged in illegal gambling activities (hereinafter "bookmakers") were forced to associate themselves with, and make extortion payments known as "rent" to, members of the Patriarca Family in order to conduct their illegal gambling activities. Those bookmakers who were not associated with members of the Patriarca Family and were "independent" were subject to physical and economic harm if they continued to engage in illegal gambling activities.

7. It was also a part of the conspiracy that in or about and between 1970 and 1978, the Winter Hill Gang operated a sports bookmaking business. During this period, members of the Winter Hill Gang forced certain independent bookmakers to associate themselves with the Winter Hill Gang's bookmaking operation, and thus to pay a percentage of their revenue to the Winter Hill Gang.

8. After approximately 1978, certain independent bookmakers were required to make "rent" or extortion payments to members of the Winter Hill Gang in order to engage in illegal gambling activities.

9. It was part of the conspiracy that members of the Patriarca Family and Winter Hill Gang exercised their influence over illegal gambling activities by adjudicating disputes between

bookmakers as well as between bookmakers and gamblers. Members of the Patriarca Family and the Winter Hill Gang used these disputes as opportunities to extort money from bookmakers and gamblers involved in these disputes.

10. It was further part of the conspiracy that individuals engaged in illegal lending activities (hereinafter "loansharks") were forced to associate themselves with, and make extortion payments known as "rent" to, members of the Patriarca Family or Winter Hill Gang in order to conduct their illegal activities. Those loansharks who were not associated with members of the Patriarca Family or Winter Hill Gang were subject to physical and economic harm if they continued to engage in illegal lending activities.

11. It was a part of the conspiracy that Joseph A. Yerardi, Jr. of Newton, Massachusetts, was in the business of lending and collecting money in violation of the laws of the Commonwealth of Massachusetts and in violation of Sections 892 and 894 of Title 18 of the United States Code relating to extortionate credit transactions. Yerardi also operated an illegal gambling business and engaged in illegal gambling activities in violation of Title 18, United States Code, Sections 1955, 1952, and 1084, and in violation of Chapter 271, Sections 16A, 17, and 17A of the General Laws of the Commonwealth of Massachusetts. Yerardi made "rent" or extortion payments to the Winter Hill Gang in order to

conduct his illegal activities. Yerardi also collected "rent" or extortion payments from other individuals engaged in illegal gambling activities on behalf of the Winter Hill Gang. Further, Yerardi's loansharking activities were financed, in part, by the Winter Hill Gang.

12. It was part of the conspiracy that Peter J. Fiumara of Newton, Massachusetts owned and operated the Squire Lounge, an adult entertainment club located in Revere, Massachusetts. Fiumara was also in the business of lending and collecting money in violation of Sections 892 and 894 of Title 18 of the United States Code relating to extortionate credit transactions. Fiumara made "rent" or extortion payments to the defendant FRANCIS P. SALEMME and Francis P. Salemme, Jr. in order to conduct his illegal activities. Fiumara also interacted with Yerardi regarding certain mutual loansharking business.

13. It was part of the conspiracy that between 1978 and 1994 the Winter Hill Gang collected "rent" or extortion payments from numerous bookmakers in the Greater Boston area. Among these bookmakers were the following:

Burton L. Krantz,
Edward Lewis,
James J. Katz,
Thomas Ryan,
Howard Levenson,
Richard Brown,
Bernard Weisman
Mitchell Zukoff, and
Joseph A. Yerardi, Jr.

14. It was part of the conspiracy that when the defendant FRANCIS P. SALEMME became the Boss of the Patriarca Family in approximately 1990, he sought to extend the conspiracy to collect extortion or "rent" payments into the Framingham, Massachusetts and Milford, Massachusetts areas. He was assisted in this activity by Francis P. Salemme, Jr., Patriarca Family associate Thomas Hillary, as well as Framingham bookmaker John "Jack" Snell and others known to the grand jury. It was also part of the conspiracy that at or about this time the defendant FRANCIS P. SALEMME also sought to extend the conspiracy to collect extortion or "rent" payments into the Lowell, Massachusetts area. He was assisted in this activity by the defendant ROBERT P. DELUCA and Patriarca Family associates Charles "Chucky" Flynn and Albert "Pancho" Gonsalves.

15. It was part of the conspiracy that the defendant FRANCIS P. SALEMME also conspired with others including Francis P. Salemme, Jr. and Patriarca Family associates Thomas Hillary and Steven DiSarro to engage in illegal gambling activities by placing video poker machines in establishments such as bars and restaurants where the machines would be used in an illegal manner.

16. It was part of the conspiracy that the defendant FRANCIS P. SALEMME and Francis P. Salemme, Jr. sought to gain

control of Boston area "rent" collections traditionally controlled by several incarcerated Patriarca Family members including Capo Regime Vincent Ferrara and Soldier Angelo "Sonny" Mercurio, and collected "rent" from bookmakers Michael "the Frenchman" Dezotell and James Katz.

17. It was part of the conspiracy that the defendant FRANCIS P. SALEMME coordinated the activities of the Patriarca Family with the activities of the Winter Hill Gang through the defendant STEPHEN J. FLEMMI and George Kaufman.

(a) In this regard, the defendant FRANCIS P. SALEMME presided over a meeting or "sit-down" to resolve a dispute between Winter Hill controlled bookmaker Burton "Chico" Krantz and Patriarca Family controlled bookmaker Vincent "Fat Vinny" Roberto. Present at this April 1990 meeting were the defendants FRANCIS P. SALEMME and STEPHEN J. FLEMMI, George Kaufman, Patriarca Family Consigliere Charles Quintina, Krantz and Roberto.

(b) Similarly, the defendants FRANCIS P. SALEMME, STEPHEN J. FLEMMI, ROBERT P. DELUCA, JAMES M. MARTORANO and George Kaufman met in June 1991 to resolve a dispute between Patriarca Family controlled bookmaker Michael Dezotell and a Winter Hill Gang associated gambler named Kenneth Schiavo.

18. It was further part of the conspiracy that certain individuals engaged in illegal narcotics trafficking (hereinafter

"drug dealers") were forced to associate themselves with, and make extortion payments known as "rent" to, members of the Patriarca Family or Winter Hill Gang in order to conduct their illegal activities. Certain other drug dealers who were not associated with members of the Patriarca Family or Winter Hill Gang were subject to physical and economic harm if they continued to engage in illegal narcotics activities.

19. It was part of the conspiracy that William David Lindholm was a drug dealer who was in the business of distributing large amounts of marijuana in violation of Title 21, United States Code, Section 846. In or about and between approximately 1983 and 1991, Lindholm was forced to associate himself with, and pay "rent" to, the defendants BULGER, FLEMMI, and JAMES MARTORANO. Lindholm was "taxed" at a specified rate per pound of marijuana distributed. During this period, Lindholm distributed tens of thousands of pounds of marijuana, and paid the defendants BULGER, FLEMMI, and JAMES MARTORANO in excess of \$500,000.

20. In approximately 1981, a dispute arose between a Patriarca LCN Family associated drug dealer, Salvatore Michael Caruana, and a Winter Hill Gang associated drug dealer, Frank Lepere. The dispute arose over a large load of marijuana that was distributed by an "unconnected" drug dealer. Both Lepere and Caruana attempted to collect "rent" from this individual.

Ultimately, this dispute was resolved by payments to both the Winter Hill and LCN factions.

21. It was further part of the conspiracy that the Winter Hill Gang controlled illegal activities in the South Boston neighborhood of Boston primarily through the defendant JAMES J. BULGER. The defendant BULGER maintained a "crew" or group of associates which operated in South Boston. Some of the members of this "crew" are known to the grand jury. The defendant BULGER and this "crew" required drug dealers to pay "rent" and to purchase their drugs from sources designated by the defendant BULGER. In particular, during the early 1980's, BULGER collected "rent" from a marijuana business operated by two drug dealers in South Boston named Paul Moore and William Shea. The defendant BULGER, through a co-conspirator known to the grand jury, also collected "rent" from a South Boston cocaine and loansharking business operated by Moore and Moore's cousin John Cherry in the late 1980's.

22. It was part of the conspiracy, due to the national nature of La Cosa Nostra and the regional jurisdiction of the Patriarca Family, that the defendants FRANCIS P. SALEMME, ROBERT P. DELUCA and JAMES M. MARTORANO and Francis P. Salemme, Jr. travelled in interstate commerce and aided and abetted others to so travel in furtherance of the criminal activities of the Patriarca Family. In particular,

(a) the defendant ROBERT P. DELUCA, who resides in Lincoln, Rhode Island; travelled to Medford, Massachusetts in October 1989 to attend a La Cosa Nostra induction ceremony where DELUCA and three others were inducted into the Patriarca Family;

(b) the defendants FRANCIS P. SALEMME and ROBERT P. DELUCA aided and abetted and caused the travel of a Gambino Family Capo Regime named Natale Richichi from Las Vegas, Nevada to Boston, Massachusetts in December 1991 to discuss, among other things, the structure and operation of the Patriarca Family in New England;

(c) the defendant FRANCIS P. SALEMME and Francis P. Salemme, Jr. frequently travelled to Los Angeles, California and Las Vegas, Nevada during 1990 and 1991 in furtherance of a conspiracy to bribe union officials in Las Vegas and Boston; and

(d) the defendant JAMES M. MARTORANO travelled to New York and New Jersey in October 1991 in furtherance of a scheme to finance illegal loansharking in Atlantic City, New Jersey.

23. It was further part of the conspiracy that members of the Winter Hill Gang travelled in interstate commerce and used facilities in interstate commerce in furtherance of their illegal activities. John Martorano participated in the affairs of the enterprise from outside the Commonwealth of Massachusetts while John Martorano was a fugitive and hiding in the state of Florida. When loanshark Joseph Yerardi fled the Commonwealth of Massachusetts in anticipation of his indictment by a federal

grand jury in 1993, Yerardi fled to Florida where he was assisted by John Martorano who aided and abetted Yerardi in the conduct of Yerardi's illegal activities while Yerardi was a fugitive and who took control of these illegal activities after Yerardi was apprehended in April 1994.

PATTERN OF RACKETEERING ACTIVITY

24. Racketeering Act #1: From in or before January 1979, and continuing until in or about June 1994, in the District of Massachusetts and elsewhere, the defendants, FRANCIS P. SALEMME, JAMES J. BULGER, STEPHEN J. FLEMMI, ROBERT P. DELUCA and JAMES M. MARTORANO did conspire with each other and with other persons known and unknown to the Grand Jury including John Martorano, George Kaufman, and Francis P. Salemme, Jr., to obtain property, to wit, United States currency, from persons known and unknown to the Grand Jury, including, but not limited to the following individuals,

Burton Krantz,
Edward Lewis,
Thomas Ryan,
Richard Brown,
Mitchell Zukoff,
Howard Levenson,
Joseph Yerardi,
Bernard Weissman,
James Katz,
Michael Dezotell,
Peter Fiumara,
Albert Figaratto,
William Lindholm,
Paul Moore,
William Shea,
John Cherry, and
Edmund Richardi,

who were engaged in unlawful activities, including illegal gambling, illegal money lending, and illegal narcotics trafficking, with their consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, including indirect threats of physical harm, property damage, and economic loss and to thereby obstruct, delay, and affect commerce and the movement of any article in commerce in violation of Title 18, United States Code, Section 1951.

25. Racketeering Act #2: From in or about and between 1970 and 1979, in the District of Massachusetts and elsewhere, John Martorano, aided and abetted by others known and unknown to the grand jury, including the defendants JAMES J. BULGER, STEPHEN J. FLEMMI, JAMES M. MARTORANO, and Howard T. Winter, did unlawfully, wilfully, and knowingly conduct, finance, manage, supervise, direct, and own all or part of an illegal gambling business, to wit, a sports betting business, in violation of the laws of the Commonwealth of Massachusetts in which said business was conducted (Massachusetts General Laws, Chapter 271, Sections 7, 9, 16A, 17, 17A, 20, and 22), which illegal gambling business involved five or more persons who conducted, financed, managed, supervised, directed, and owned all or part thereof and remained in substantially continuous operation in excess of thirty (30) days and had a gross revenue of two thousand dollars (\$2,000) in a single day, in violation of Title 18, United States Code, Sections 1955 and 2.

26. Racketeering Act #3: From in or about and between December 1973 and November 1975, in the District of Massachusetts and elsewhere, the defendants JAMES J. BULGER, STEPHEN J. FLEMMI, ROBERT J. DELUCA, and others, known and unknown to the grand jury, including Howard T. Winter, John Martorano, and James Martorano, did conspire, confederate and agree to willfully and knowingly carry into effect and attempt to carry into effect a scheme in commerce to influence by bribery sporting contests with knowledge that the purpose of this scheme was to influence by bribery those contests which involved pari-mutuel thoroughbred horse racing at the following race tracks: Suffolk Downs Race Track in East Boston, Massachusetts; Rockingham Race Track, Salem, New Hampshire; Lincoln Downs Race Track in Lincoln, Rhode Island; Pocono Race Track, Plains Township, Pennsylvania; Atlantic City Race Track, Hamilton Township, New Jersey; and Garden State Park, Cherry Hill, New Jersey, in violation of Title 18, United States Code, Section 224.

27. Racketeering Act #4: In approximately 1972 or 1973, in the District of Massachusetts, the defendant JAMES J. BULGER and other persons known and unknown to the Grand Jury, including Howard T. Winter and John Martorano, did knowingly and unlawfully obtain property, to wit, United States currency from Richard Wilgoren who was engaged in illegal gambling activity, with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear including indirect

threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce in violation of Title 18, United States Code, Sections 1951 and 2.

28. Racketeering Act #5: In approximately 1974, in the District of Massachusetts, the defendants JAMES J. BULGER and other persons known and unknown to the Grand Jury, including Howard T. Winter and John Martorano, did knowingly and unlawfully obtain property, to wit, United States currency from Burton L. Krantz who was engaged in illegal gambling activity, with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce in violation of Title 18, United States Code, Sections 1951 and 2.

29. Racketeering Act #6: Continuously between January 1979 and June 1992, in the District of Massachusetts, the defendants JAMES J. BULGER and STEPHEN J. FLEMMI and other persons known and unknown to the Grand Jury, including George Kaufman, did knowingly and unlawfully obtain property, to wit, United States currency from Burton L. Krantz who was engaged in illegal gambling activity, with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and

fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce in violation of Title 18, United States Code, Sections 1951 and 2.

30. Racketeering Act #7: Continuously between January 1978 and June 1992, in the District of Massachusetts, the defendants, JAMES J. BULGER and STEPHEN J. FLEMMI and other persons known and unknown to the Grand Jury, including George Kaufman, did knowingly and unlawfully obtain property, to wit, United States currency from Edward Lewis who was engaged in illegal gambling activity, with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce in violation of Title 18, United States Code, Sections 1951 and 2.

31. Racketeering Act #8: From in or before May 1991 through in or after December 1991, in the District of Massachusetts, the defendants JAMES J. BULGER and STEPHEN J. FLEMMI and other persons known and unknown to the Grand Jury, including George Kaufman, did knowingly and unlawfully obtain property, to wit, United States currency from Thomas Ryan who was engaged in illegal gambling activity, with his consent, which consent was induced by the wrongful use of actual and threatened

force, violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce in violation of Title 18, United States Code, Sections 1951 and 2.

32. Racketeering Act #9: From in or before 1989 through in or after June 1992, in the District of Massachusetts, the defendants JAMES J. BULGER and STEPHEN J. FLEMMI, and other persons known and unknown to the Grand Jury, including George Kaufman, did knowingly and unlawfully obtain property, to wit, United States currency from Richard Brown who was engaged in illegal gambling activity, with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce in violation of Title 18, United States Code, Sections 1951 and 2.

33. Racketeering Act #10: From in or before 1987 through approximately May 1990, in the District of Massachusetts, the defendants, JAMES J. BULGER and STEPHEN J. FLEMMI, and other persons known and unknown to the Grand Jury, including George Kaufman, did knowingly and unlawfully obtain property, to wit, United States currency from Mitchell Zukoff who was engaged in

illegal gambling activity, with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce in violation of Title 18, United States Code, Sections 1951 and 2.

34. Racketeering Act #11: From in or before the late 1980's through June 1993, in the District of Massachusetts, the defendants, JAMES J. BULGER and STEPHEN J. FLEMMI, and other persons known and unknown to the Grand Jury, including George Kaufman, did knowingly and unlawfully obtain property, to wit, United States currency from Howard Levenson who was engaged in illegal gambling activity, with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce in violation of Title 18, United States Code, Sections 1951 and 2.

35. Racketeering Act #12: From in or before 1986 through in or after October 1993, in the District of Massachusetts, the defendants, JAMES J. BULGER, STEPHEN J. FLEMMI, and FRANCIS P. SALEMME, and other persons known and unknown to the Grand Jury,

including George Kaufman and Francis P. Salemme, Jr., did knowingly and unlawfully obtain property, to wit, United States currency from Joseph A. Yerardi, Jr. who was engaged in illegal gambling and loansharking activity, with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce in violation of Title 18, United States Code, Sections 1951 and 2.

36. Racketeering Act #13: Continuously between approximately September 1991 and April 1994, in the District of Massachusetts, the defendant FRANCIS P. SALEMME, and other persons known and unknown to the Grand Jury, including Francis P. Salemme, Jr., did knowingly and unlawfully obtain property, to wit, United States currency from Peter Fiumara who was engaged in loansharking activity, with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce in violation of Title 18, United States Code, Sections 1951 and 2.

37. The defendant FRANCIS P. SALEMME committed the

following acts relating to extortion, the commission of any one of which constitutes the commission of Racketeering Act 14.

(a) Racketeering Act #14A: Continuously between approximately June 1991 and December 1993, in the District of Massachusetts, the defendant FRANCIS P. SALEMME and other persons known and unknown to the Grand Jury, including Francis P. Salemme, Jr., did knowingly and unlawfully obtain property, to wit, United States currency from Michael Dezotell who was engaged in illegal gambling activity, with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce in violation of Title 18, United States Code, Sections 1951 and 2.

(b) Racketeering Act #14B: Continuously between approximately November 1992 and October 1994, in the District of Massachusetts, the defendant FRANCIS P. SALEMME, and other persons known and unknown to the Grand Jury, including Francis P. Salemme, Jr., did knowingly and unlawfully obtain property, to wit, the use of a 1992 Ford Explorer from Michael Dezotell who was engaged in illegal gambling activity, with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any

article in commerce in violation of Title 18, United States Code, Sections 1951 and 2.

38. Racketeering Act #15: In or about and between approximately July and October 1990, in the District of Massachusetts, the defendants, FRANCIS P. SALEMME and STEPHEN J. FLEMMI, and other persons known and unknown to the Grand Jury, including George Kaufman, did knowingly and unlawfully obtain property, to wit, United States currency from Burton Krantz and Vincent Roberto who were engaged in illegal gambling activity, with their consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce in violation of Title 18, United States Code, Sections 1951 and 2.

39. Racketeering Act #16: In or about and between approximately 1989 and June 1992, in the District of Massachusetts, the defendants, FRANCIS P. SALEMME and ROBERT P. DELUCA and other persons known and unknown to the Grand Jury, including George Kaufman, did knowingly and unlawfully obtain property, to wit, United States currency from Albert Figaratto who was engaged in illegal gambling activity, with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear including indirect threats

of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce in violation of Title 18, United States Code, Sections 1951 and 2.

40. Racketeering Act #17: In or about and between approximately 1988 and June 1992, in the District of Massachusetts, the defendants, JAMES J. BULGER and STEPHEN J. FLEMMI, and other persons known and unknown to the Grand Jury, including George Kaufman, did knowingly and unlawfully obtain property, to wit, United States currency from Bernard Weisman who was engaged in illegal gambling activity, with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce in violation of Title 18, United States Code, Sections 1951 and 2.

41. Racketeering Act #18: Continuously between January 1985 and June 1993, in the District of Massachusetts, the defendants, JAMES J. BULGER and STEPHEN J. FLEMMI, and other persons known and unknown to the Grand Jury, including George Kaufman, did knowingly and unlawfully obtain property, to wit, United States currency from James J. Katz who was engaged in illegal gambling activity, with his consent, which consent was

induced by the wrongful use of actual and threatened force, violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce in violation of Title 18, United States Code, Sections 1951 and 2.

42. Racketeering Act #19: In or about 1987, in the District of Massachusetts, the defendant JAMES M. MARTORANO did willfully advance money as a loan to Joseph A. Yerardi, Jr. with reasonable grounds to believe that it was the intention of Joseph A. Yerardi, Jr. to use the money so advanced directly and indirectly for the purpose of making extortionate extensions of credit within the meaning of Title 18, United States Code, Section 891(6), in violation of Title 18, United States Code, Section 893.

43. The defendants named below committed the following acts involving murder, the commission of any one of which constitutes the commission of Racketeering Act #20.

(a) Racketeering Act #20A: On or about January 30, 1968, in the District of Massachusetts and elsewhere, the defendants FRANCIS P. SALEMME and STEPHEN J. FLEMMI, did wilfully and unlawfully conspire together and with each other and with others known and unknown to the Grand Jury, including Ilario M.A. Zannino named herein as a co-conspirator but not as a defendant,

to commit an act involving murder, to wit, to assault and beat one John E. Fitzgerald, Jr. with the intent to murder him and to thereby kill and murder the said John E. Fitzgerald, Jr.

(b) Racketeering Act #20B: On or about January 30, 1968, in the District of Massachusetts, the defendants FRANCIS P. SALEMME and STEPHEN J. FLEMMI, did commit an act involving murder, that is, being armed with a dangerous weapon, did assault John E. Fitzgerald, Jr. with the intent to murder him in violation of Massachusetts General Laws Chapter 265, Section 18.

44. The defendants named below committed the following acts involving murder, the commission of any one of which constitutes the commission of Racketeering Act #21.

(a) Racketeering Act #21A: In or about January of 1967, in the District of Massachusetts and elsewhere, the defendants FRANCIS P. SALEMME and STEPHEN J. FLEMMI, did wilfully and unlawfully conspire together and with each other and with others known and unknown to the Grand Jury, including Ilario M.A. Zannino named herein as a co-conspirator but not as a defendant, to commit an act involving murder, to wit, to assault and beat one Edward "Wimpy" Bennett with the intent to murder him and to thereby kill and murder the said Edward "Wimpy" Bennett.

(b) Racketeering Act #21B: In or about January of 1967, in the District of Massachusetts, the defendants FRANCIS P. SALEMME and STEPHEN J. FLEMMI, did commit an act involving murder, that is, being armed with a dangerous weapon, did assault

Edward "Wimpy" Bennett with the intent to murder him, and by such assault did murder said Edward "Wimpy" Bennett in violation of Massachusetts General Laws Chapter 265, Section 1.

45. The defendants named below committed the following acts involving murder, the commission of any one of which constitutes the commission of Racketeering Act #22.

(a) Racketeering Act #22A: In or about April of 1967, in the District of Massachusetts and elsewhere, the defendants FRANCIS P. SALEMME and STEPHEN J. FLEMMI, did wilfully and unlawfully conspire together and with each other and with others known and unknown to the Grand Jury, including Ilario M.A. Zannino named herein as a co-conspirator but not as a defendant, to commit an act involving murder, to wit, to assault and beat one Walter Bennett with the intent to murder him and to thereby kill and murder the said Walter Bennett.

(b) Racketeering Act #22B: In or about April of 1967, in the District of Massachusetts, the defendants FRANCIS P. SALEMME and STEPHEN J. FLEMMI, aided and abetted by others known and unknown to the grand jury, did commit an act involving murder, that is, being armed with a dangerous weapon, did assault Walter Bennett with the intent to murder him, and by such assault did murder said Walter Bennett in violation of Massachusetts General Laws Chapter 265, Section 1.

46. The defendants named below committed the following acts

involving murder, the commission of any one of which constitutes the commission of Racketeering Act #23.

(a) Racketeering Act #23A: In or about December of 1967, in the District of Massachusetts and elsewhere, the defendants FRANCIS P. SALEMME and STEPHEN J. FLEMMI, did wilfully and unlawfully conspire together and with each other and with others known and unknown to the Grand Jury, including Ilario M.A. Zannino named herein as a co-conspirator but not as a defendant, to commit an act involving murder, to wit, to assault and beat one William Bennett with the intent to murder him and to thereby kill and murder the said William Bennett.

(b) Racketeering Act #23B: On or about December 23, 1967, in the District of Massachusetts, the defendants FRANCIS P. SALEMME and STEPHEN J. FLEMMI, aided and abetted by others known and unknown to the grand jury, did commit an act involving murder, that is, being armed with a dangerous weapon, did assault William Bennett with the intent to murder him, and by such assault did murder said William Bennett in violation of Massachusetts General Laws Chapter 265, Section 1.

47. The defendants named below committed the following acts involving murder, the commission of any one of which constitutes the commission of Racketeering Act #24.

(a) Racketeering Act #24A: On or about December 23, 1967, in the District of Massachusetts and elsewhere, the defendants FRANCIS P. SALEMME and STEPHEN J. FLEMMI, did wilfully

and unlawfully conspire together and with each other and with others known and unknown to the Grand Jury, to commit an act involving murder, to wit, to assault and beat one Richard Grasso with the intent to murder him and to thereby kill and murder the said Richard Grasso.

(b) Racketeering Act #24B: On or about December 23, 1967, in the District of Massachusetts, the defendants FRANCIS P. SALEMME and STEPHEN J. FLEMMI, aided and abetted by others known and unknown to the grand jury, did commit an act involving murder, that is, being armed with a dangerous weapon, did assault Richard Grasso with the intent to murder him, and by such assault did murder said Richard Grasso in violation of Massachusetts General Laws Chapter 265, Section 1.

48. The defendant FRANCIS P. SALEMME committed the following acts relating to travel in aid of racketeering, the commission of any one of which constitutes the commission of Racketeering Act 25.

(a) Racketeering Act #25A: On or about April 17, 1990, in the District of Massachusetts and elsewhere, the defendant FRANCIS P. SALEMME did unlawfully, willfully, and knowingly travel in interstate commerce from Boston, Massachusetts to Los Angeles, California, with intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of unlawful activity, namely, bribery of officers and employees of labor organizations

in violation of Massachusetts General Laws, Chapter 271, Section 39, and Nevada Revised Statutes, Sections 614.140 and 614.150, and did thereafter perform and attempt to perform acts to promote, manage, establish, carry on, and facilitate the promotion, management, establishment and carrying on of said unlawful activity in violation of Title 18, United States Code, Section 1952.

(b) Racketeering Act #25B: On or about May 1, 1990, the defendant FRANCIS P. SALEMME did unlawfully, willfully, and knowingly travel in interstate commerce from Los Angeles, California to Las Vegas, Nevada, with intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of unlawful activity, namely, bribery of officers and employees of labor organizations in violation of Massachusetts General Laws, Chapter 271, Section 39, and Nevada Revised Statutes, Sections 614.140 and 614.150, and did thereafter perform and attempt to perform acts to promote, manage, establish, carry on, and facilitate the promotion, management, establishment and carrying on of said unlawful activity in violation of Title 18, United States Code, Section 1952.

(c) Racketeering Act #25C: On or about May 3, 1990, the defendant FRANCIS P. SALEMME did unlawfully, willfully, and knowingly travel in interstate commerce from Las Vegas, Nevada to Los Angeles, California, with intent to promote, manage, establish, carry on, and facilitate the promotion, management,

establishment, and carrying on of unlawful activity, namely, bribery of officers and employees of labor organizations in violation of Massachusetts General Laws, Chapter 271, Section 39, and Nevada Revised Statutes, Sections 614.140 and 614.150, and did thereafter perform and attempt to perform acts to promote, manage, establish, carry on, and facilitate the promotion, management, establishment and carrying on of said unlawful activity in violation of Title 18, United States Code, Section 1952.

49. Racketeering Act #26: On or about October 29, 1989, the defendant ROBERT P. DELUCA did unlawfully, wilfully, and knowingly travel in interstate commerce between the State of Rhode Island and the Commonwealth of Massachusetts, with intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of unlawful activity, to wit, (1) a business enterprise involving gambling in violation of Massachusetts General Laws, Chapter 271, Sections 5, 7, 8, 9, 16A, 17, 17A, 20, and 22, and Title 18, United States Code, Section 1955, and narcotics and controlled substances in violation of Title 21, United States Code, Sections 841 and 846, and (2) extortion in violation of Title 18, United States Code, Sections 892, 894, and 1951, and thereafter did perform and attempt to perform acts to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of said unlawful activity in violation of Title 18,

United States Code, Sections 1952 and 2.

50. The defendants named below committed the following acts relating to travel in aid of racketeering, the commission of any one of which constitutes the commission of Racketeering Act 27.

(a) Racketeering Act #27A: On or about December 11, 1991, the defendants FRANCIS P. SALEMME and ROBERT P. DELUCA did unlawfully, wilfully, and knowingly cause and aid and abet Natale Richichi to travel in interstate commerce between the State of Nevada and the Commonwealth of Massachusetts, with intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of unlawful activity, to wit, (1) a business enterprise involving gambling in violation of Massachusetts General Laws, Chapter 271, Sections 5, 7, 8, 9, 16A, 17, 17A, 20, and 22, and Title 18, United States Code, Section 1955, and narcotics and controlled substances in violation of Title 21, United States Code, Sections 841 and 846, and (2) extortion in violation of Title 18, United States Code, Sections 892, 894, and 1951, and thereafter did perform and attempt to perform acts to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of said unlawful activity in violation of Title 18, United States Code, Section 1952 and 2.

(b) Racketeering Act #27B: On or about December 11, 1991, the defendant ROBERT P. DELUCA did unlawfully, wilfully, and knowingly travel in interstate commerce between the State of

Rhode Island and the Commonwealth of Massachusetts, with intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of unlawful activity, to wit, (1) a business enterprise involving gambling in violation of Massachusetts General Laws, Chapter 271, Sections 5, 7, 8, 9, 16A, 17, 17A, 20, and 22, and Title 18, United States Code, Section 1955, and narcotics and controlled substances in violation of Title 21, United States Code, Sections 841 and 846, and (2) extortion in violation of Title 18, United States Code, Sections 892, 894, and 1951, and thereafter did perform and attempt to perform acts to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of said unlawful activity in violation of Title 18, United States Code, Section 1952.

51. The defendant named below committed the following acts relating to witness tampering, the commission of any one of which constitutes the commission of Racketeering Act 28.

a. Racketeering Act #28A: In or about June 1993, in the District of Massachusetts, the defendant STEPHEN J. FLEMMI did corruptly persuade another person and attempt to do so and engage in misleading conduct toward another person known to the grand jury with intent to influence and prevent the testimony of that person in an official proceeding in that the defendant did suborn perjury and provide false and misleading information to James Katz who was a witness in an ongoing grand jury investigation of the defendants, in violation of Title 18, United

States Code, Section 1512.

b. Racketeering Act #28B: In or about June 1993, in the District of Massachusetts, the defendant STEPHEN J. FLEMMI did corruptly persuade another person and attempt to do so, and engage in misleading conduct toward another person known to the grand jury with intent to influence and prevent the testimony of that person in an official proceeding in that the defendant did suborn perjury and provide false and misleading information to Howard Levenson who was a witness in an ongoing grand jury investigation of the defendants, in violation of Title 18, United States Code, Section 1512.

52. Racketeering Act #29: On or about October 10, 1991, the defendant JAMES M. MARTORANO did unlawfully, willfully, and knowingly travel in interstate commerce from Boston, Massachusetts to New York, New York, with intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of unlawful activity, namely, financing extortionate extensions of credit in violation of Title 18, United States Code, Section 893, and did thereafter perform and attempt to perform acts to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of said unlawful activity in violation of Title 18, United States Code, Section 1952.

53. Racketeering Act #30: In or about 1982, in the

District of Massachusetts, the defendant JAMES M. MARTORANO, aided and abetted by others known and unknown to the grand jury, made an extortionate extension of credit as defined by Title 18, United States Code, Section 891(6) to James J. Katz in the amount of approximately \$15,000, with respect to which extension of credit it was the understanding of the defendant creditor and the debtor at the time it was made that delay in making repayment could result in the use of violence and other criminal means to cause harm to the person, reputation and property of James J. Katz and others, in violation of Title 18, United States Code, Sections 892(a) and 2.

54. Racketeering Act #31: In or about and between November 1992 and February 1993, in the District of Massachusetts and elsewhere, the defendant ROBERT P. DELUCA and others, known and unknown to the grand jury, did commit an act involving gambling, that is, did knowingly conduct, finance, manage, supervise, and own all or part of an organized criminal gambling business, as defined in Section 11-51-1 of the Rhode Island General Laws, 1956, as amended (Reenactment of 1981), in violation of Sections 11-51-2 and 11-51-1 of the Rhode Island General Laws, 1956, as amended (Reenactment of 1981).

55. Racketeering Act #32: On or about and between December 1, 1990 and April 30, 1991, in the District of Massachusetts, the defendant ROBERT P. DELUCA and others, known and unknown to the

grand jury, did commit an act involving gambling, that is, did knowingly organize, supervise, manage and finance at least four persons so that such persons may provide facilities and services and assist in the provision of facilities and services for the conduct of illegal lotteries, and for the illegal registration of bets and the illegal buying and selling of pools upon the result of a trial and contest of skill, speed and endurance of man and beast, and upon the result of a game or competition, in violation of Chapter 271, Massachusetts General Laws, Section 16A.

56. Racketeering Act #33: In or about and between August 1989 and May 1991, in the District of Massachusetts, the defendants, JAMES J. BULGER and STEPHEN J. FLEMMI, and other persons known and unknown to the Grand Jury, did commit acts and threats involving extortion, that is, did, by a verbal communication, maliciously threaten an injury to the person of Timothy Connolly with intent thereby to extort a pecuniary advantage and with the intent to compel Timothy Connolly to do an act against his will in violation of Massachusetts General Laws, Chapter 265, Section 25.

57. Racketeering Act #34: In or about and between approximately January 1990 and August 1991, in the District of Massachusetts, the defendant FRANCIS P. SALEMME did knowingly aid and abet Joseph A. Yerardi, Jr., Peter J. Fiumara, and others known and unknown to the Grand Jury, in the use of extortionate

means to collect and attempt to collect extensions of credit made to Steven Ferullo in the approximate aggregate amount of \$21,000 in violation of Title 18, United States Code, Sections 894(a) and 2.

58. Racketeering Act #35: In or about and between 1983 and February 1991, in the District of Massachusetts, the defendants, JAMES J. BULGER, STEPHEN J. FLEMMI and JAMES M. MARTORANO, and other persons known and unknown to the Grand Jury, did knowingly and unlawfully obtain property, to wit, United States currency from William D. Lindholm who was engaged in illegal narcotics trafficking, with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce in violation of Title 18, United States Code, Sections 1951 and 2.

59. Racketeering Act #36: In or about and between 1981 and 1983, in the District of Massachusetts, the defendants, JAMES J. BULGER and STEPHEN J. FLEMMI, and other persons known and unknown to the Grand Jury, did knowingly and unlawfully obtain property, to wit, United States currency from Paul Moore and William Shea who were engaged in illegal narcotics trafficking, with their consent, which consent was induced by the

wrongful use of actual and threatened force, violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce in violation of Title 18, United States Code, Sections 1951 and 2.

60. Racketeering Act #37: In or about and between 1987 and 1989, in the District of Massachusetts, the defendants, JAMES J. BULGER and STEPHEN J. FLEMMI, and other persons known and unknown to the Grand Jury, did knowingly and unlawfully obtain property, to wit, United States currency from Paul Moore and John Cherry who were engaged in illegal narcotics trafficking and loansharking, with their consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce in violation of Title 18, United States Code, Sections 1951 and 2.

61. Racketeering Act #38: In or about 1981, in the District of Massachusetts, the defendants, JAMES J. BULGER and STEPHEN J. FLEMMI, and other persons known and unknown to the Grand Jury, did knowingly and unlawfully obtain property, to wit, United States currency from Edmund Richardi who was engaged in illegal narcotics trafficking, with his consent, which consent was induced by the wrongful use of actual and threatened force,

violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce in violation of Title 18, United States Code, Sections 1951 and 2.

62. As set forth above in paragraphs Twenty-four through Sixty-one, each defendant agreed to conduct and participate in the conduct of the affairs of the enterprise through a pattern of racketeering activity as follows:

a. The defendant FRANCIS P. SALEMME agreed to conduct and participate in the conduct of the affairs of the enterprise by committing and agreeing to commit the following acts of racketeering:

1. Racketeering Acts 1, 12, 13, 14A, 14B, 15, and 16 relating to interference with commerce by threats or violence;

2. Racketeering Acts 20A, 20B, 21A, 21B, 22A, 22B, 23A, 23B, 24A, and 24B relating to murder;

3. Racketeering Acts 25A, 25B, 25C, and 27A relating to interstate travel in aid of racketeering; and

4. Racketeering Act 34 relating to extortionate credit transactions.

b. The defendant JAMES J. BULGER agreed to conduct and participate in the conduct of the affairs of the enterprise by committing and agreeing to commit the following acts of

racketeering:

1. Racketeering Acts 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 17, 18, 35, 36, 37, and 38 relating to interference with commerce by threats or violence;

2. Racketeering Act 2 relating to the prohibition of illegal gambling business;

3. Racketeering Act 3 relating to sports bribery; and

4. Racketeering Act 33 relating to extortion.

c. The defendant STEPHEN J. FLEMMI agreed to conduct and participate in the conduct of the affairs of the enterprise by committing and agreeing to commit the following acts of racketeering:

1. Racketeering Acts 1, 6, 7, 8, 9, 10, 11, 12, 15, 17, 18, 35, 36, 37, and 38 relating to interference with commerce by threats or violence;

2. Racketeering Act 2 relating to the prohibition of illegal gambling business;

3. Racketeering Act 3 relating to sports bribery;

4. Racketeering Acts 20A, 20B, 21A, 21B, 22A, 22B, 23A, 23B, 24A, and 24B relating to murder;

5. Racketeering Acts 28A and 28B relating to tampering with a witness, victim, or an informant; and

6. Racketeering Act 33 relating to extortion.

d. The defendant ROBERT P. DELUCA agreed to conduct

and participate in the conduct of the affairs of the enterprise by committing and agreeing to commit the following acts of racketeering:

1. Racketeering Acts 1 and 16 relating to interference with commerce by threats or violence;
2. Racketeering Act 3 relating to sports bribery;
3. Racketeering Acts 26, 27A, and 27B relating to interstate travel in aid of racketeering; and
4. Racketeering Acts 31 and 32 relating to the prohibition of illegal gambling business.

e. The defendant JAMES M. MARTORANO agreed to conduct and participate in the conduct of the affairs of the enterprise by committing and agreeing to commit the following acts of racketeering:

1. Racketeering Acts 1 and 35 relating to interference with commerce by threats or violence;
2. Racketeering Act 2 relating to the prohibition of illegal gambling business;
3. Racketeering Act 29 relating to interstate travel in aid of racketeering; and
4. Racketeering Acts 19 and 30 relating to extortionate credit transactions.

COLLECTION OF UNLAWFUL DEBT

63. The defendant FRANCIS P. SALEMME agreed to conduct and

participate in the conduct of the affairs of this enterprise through the collection of unlawful debt. The collection of unlawful debt as defined by Title 18, United States Code, Section 1961(6), that is, a debt (A) incurred or contracted in gambling activity which was in violation of the law of the United States or the law of the Commonwealth of Massachusetts, or which was unenforceable in whole or in part as to principal or interest because of the laws relating to usury, and (B) which was incurred in connection with the business of gambling in violation of the law of the United States or the law of the Commonwealth of Massachusetts, or the business of lending money or a thing of value at a rate usurious under state or federal law, where the usurious rate was at least twice the enforceable rate, consisted of collecting and attempting to collect and aiding and abetting in the collection and attempted collection of usurious loans and illegal gambling debts as follows:

(a) In or about and between January 1990 and August 1991, the defendant FRANCIS P. SALEMME and others known and unknown to the grand jury, including Joseph A. Yerardi, Jr., participated in the collection and attempted collection of unlawful usurious debts aggregating approximately \$21,000 from Steven Ferullo.

All in violation of Title 18, United States Code, Section 1962(d).

COUNT TWO
(18 USC §1962(c))

1. Paragraphs One and Three through Twenty-three of Count One of this Indictment are realleged and incorporated by reference as though fully set forth herein.

2. In or about and between approximately 1967 and January 1995, in the District of Massachusetts and elsewhere, the defendants herein,

FRANCIS P. SALEMME,
JAMES J. BULGER,
STEPHEN J. FLEMMI,
ROBERT P. DELUCA, and
JAMES M. MARTORANO,

and others, known and unknown to the Grand Jury including John Martorano, George Kaufman, and Francis P. Salemme, Jr., being persons employed by and associated with the enterprise described in paragraph 1(k) of Count One, did unlawfully, willfully, and knowingly conduct and participate, directly and indirectly, in the conduct of the affairs of the enterprise, which was engaged in and the activities of which affected interstate commerce, through a pattern of racketeering activity as particularly described in Paragraphs Twenty-four through Sixty-one of Count One, the contents of which are incorporated by reference as though fully set forth herein, and Paragraph Three of this Count, and through the collection of unlawful debt as particularly described in Paragraph Four of this Count.

3. As set forth in paragraphs Twenty-four through Sixty-one of Count One, each defendant conducted and participated in the conduct of the affairs of the enterprise through a pattern of racketeering activity as follows:

a. The defendant FRANCIS P. SALEMME conducted and participated in the conduct of the affairs of the enterprise by committing the following acts of racketeering:

1. Racketeering Acts 1, 12, 13, 14A, 14B, 15, and 16 relating to interference with commerce by threats or violence;

2. Racketeering Acts 20A, 20B, 21A, 21B, 22A, 22B, 23A, 23B, 24A, and 24B relating to murder;

3. Racketeering Acts 25A, 25B, 25C, and 27A relating to interstate travel in aid of racketeering; and

4. Racketeering Act 34 relating to extortionate credit transactions.

b. The defendant JAMES J. BULGER conducted and participated in the conduct of the affairs of the enterprise by committing the following acts of racketeering:

1. Racketeering Acts 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 17, 18, 35, 36, 37, and 38 relating to interference with commerce by threats or violence;

2. Racketeering Act 2 relating to the prohibition of illegal gambling business;

3. Racketeering Act 3 relating to sports bribery; and

4. Racketeering Act 33 relating to extortion.

c. The defendant STEPHEN J. FLEMMI conducted and participated in the conduct of the affairs of the enterprise by committing the following acts of racketeering:

1. Racketeering Acts 1, 6, 7, 8, 9, 10, 11, 12, 15, 17, 18, 35, 36, 37, and 38 relating to interference with commerce by threats or violence;

2. Racketeering Act 2 relating to the prohibition of illegal gambling business;

3. Racketeering Act 3 relating to sports bribery;

4. Racketeering Acts 20A, 20B, 21A, 21B, 22A, 22B, 23A, 23B, 24A, and 24B relating to murder;

5. Racketeering Acts 28A and 28B relating to tampering with a witness, victim, or an informant; and

6. Racketeering Act 33 relating to extortion.

d. The defendant ROBERT P. DELUCA conducted and participated in the conduct of the affairs of the enterprise by committing the following acts of racketeering:

1. Racketeering Acts 1 and 16 relating to interference with commerce by threats or violence;

2. Racketeering Act 3 relating to sports bribery;

3. Racketeering Acts 26, 27A, and 27B relating to interstate travel in aid of racketeering; and

4. Racketeering Acts 31 and 32 relating to the

prohibition of illegal gambling business.

e. The defendant JAMES M. MARTORANO conducted and participated in the conduct of the affairs of the enterprise by committing the following acts of racketeering:

1. Racketeering Acts 1 and 35 relating to interference with commerce by threats or violence;
2. Racketeering Act 2 relating to the prohibition of illegal gambling business;
3. Racketeering Act 29 relating to interstate travel in aid of racketeering; and
4. Racketeering Acts 19 and 30 relating to extortionate credit transactions.

4. The defendant FRANCIS P. SALEMME conducted and participated in the conduct of the affairs of this enterprise through the collection of unlawful debt. The collection of unlawful debt as defined by Title 18, United States Code, Section 1961(6), that is, a debt (A) incurred or contracted in gambling activity which was in violation of the law of the United States or the law of the Commonwealth of Massachusetts, or which was unenforceable in whole or in part as to principal or interest because of the laws relating to usury, and (B) which was incurred in connection with the business of gambling in violation of the law of the United States or the law of the Commonwealth of Massachusetts, or the business of lending money or a thing of value at a rate usurious under state or federal law, where the

usurious rate was at least twice the enforceable rate, consisted of collecting and attempting to collect and aiding and abetting in the collection and attempted collection of usurious loans and illegal gambling debts as follows:

(a) In or about and between January 1990 and August 1991, the defendant FRANCIS P. SALEMME and others known and unknown to the grand jury, including Joseph A. Yerardi, Jr., participated in the collection and attempted collection of unlawful usurious debts aggregating approximately \$21,000 from Steven Ferullo.

All in violation of Title 18, United States Code, Section 1962(c) and Section 2.

COUNT THREE
(18 USC §1951)

From in or before January 1979, and continuing until in or about June 1994, in the District of Massachusetts and elsewhere, the defendants,

FRANCIS P. SALEMME,
JAMES J. BULGER,
STEPHEN J. FLEMMI,
ROBERT P. DELUCA, and
JAMES M. MARTORANO,

did conspire with each other and with other persons known and unknown to the Grand Jury, including John Martorano, George Kaufman, and Francis P. Salemme, Jr., to obtain property, to wit, United States currency, from persons known and unknown to the Grand Jury, including, but not limited to the following individuals,

Burton Krantz,
Edward Lewis,
Thomas Ryan,
Richard Brown,
Mitchell Zukoff,
Howard Levenson,
Joseph Yerardi,
Bernard Weissman,
James Katz,
Michael Dezotell,
Peter Fiumara,
Albert Figaratto,
William Lindholm,
Paul Moore,
William Shea,
John Cherry, and
Edmund Richardi,

who were engaged in unlawful activities, including illegal gambling, illegal money lending, and illegal narcotics trafficking, with their consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear,

including indirect threats of physical harm, property damage, and economic loss and to thereby obstruct, delay, and affect commerce and the movement of any article in commerce.

All in violation of Title 18, United States Code, Section 1951.

COUNT FOUR
(18 U.S.C. §§1951 and 2)

Continuously between January 1979 and June 1992, in the
District of Massachusetts, the defendants,

JAMES J. BULGER, and
STEPHEN J. FLEMMI,

and other persons known and unknown to the Grand Jury, including
George Kaufman, did knowingly and unlawfully obtain property, to
wit, United States currency from Burton L. Krantz who was engaged
in illegal gambling activity, with his consent, which consent was
induced by the wrongful use of actual and threatened force,
violence, and fear including indirect threats of physical harm,
property damage, and economic loss, and thereby did obstruct,
delay, and affect commerce and the movement of any article in
commerce.

All in violation of Title 18, United States Code, Sections
1951 and 2.

COUNT FIVE
(18 U.S.C. §§1951 and 2)

Continuously between January 1985 and June 1993, in the
District of Massachusetts, the defendants,

JAMES J. BULGER, and
STEPHEN J. FLEMMI,

and other persons known and unknown to the Grand Jury, including George Kaufman, did knowingly and unlawfully obtain property, to wit, United States currency from James J. Katz who was engaged in illegal gambling activity, with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce.

All in violation of Title 18, United States Code, Sections 1951 and 2.

COUNT SIX
(18 U.S.C. §§1951 and 2)

Continuously between January 1978 and June 1992, in the
District of Massachusetts, the defendants,

JAMES J. BULGER, and
STEPHEN J. FLEMMI,

and other persons known and unknown to the Grand Jury, including
George Kaufman, did knowingly and unlawfully obtain property, to
wit, United States currency from Edward Lewis who was engaged in
illegal gambling activity, with his consent, which consent was
induced by the wrongful use of actual and threatened force,
violence, and fear including indirect threats of physical harm,
property damage, and economic loss, and thereby did obstruct,
delay, and affect commerce and the movement of any article in
commerce.

All in violation of Title 18, United States Code, Sections
1951 and 2.

COUNT SEVEN
(18 U.S.C. §§1951 and 2)

Continuously between May and December 1991, in the District of Massachusetts, the defendants,

JAMES J. BULGER, and
STEPHEN J. FLEMMI,

and other persons known and unknown to the Grand Jury, including George Kaufman, did knowingly and unlawfully obtain property, to wit, United States currency from Thomas Ryan who was engaged in illegal gambling activity, with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce.

All in violation of Title 18, United States Code, Sections 1951 and 2.

COUNT EIGHT
(18 U.S.C. §§1951 and 2)

From in or before 1989 through June 1992, in the District of Massachusetts, the defendants,

JAMES J. BULGER, and
STEPHEN J. FLEMMI,

and other persons known and unknown to the Grand Jury, including George Kaufman, did knowingly and unlawfully obtain property, to wit, United States currency from Richard Brown who was engaged in illegal gambling activity, with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce.

All in violation of Title 18, United States Code, Sections 1951 and 2.

COUNT NINE
(18 U.S.C. §§1951 and 2)

From in or before 1987 through approximately May 1990, in the District of Massachusetts, the defendants,

JAMES J. BULGER, and
STEPHEN J. FLEMMI,

and other persons known and unknown to the Grand Jury, including George Kaufman, did knowingly and unlawfully obtain property, to wit, United States currency from Mitchell Zukoff who was engaged in illegal gambling activity, with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce.

All in violation of Title 18, United States Code, Sections 1951 and 2.

COUNT TEN
(18 U.S.C. §§1951 and 2)

From in or before the late 1980's through June 1993, in the District of Massachusetts, the defendants,

JAMES J. BULGER, and
STEPHEN J. FLEMMI,

and other persons known and unknown to the Grand Jury, including George Kaufman, did knowingly and unlawfully obtain property, to wit, United States currency from Howard Levenson who was engaged in illegal gambling activity, with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce.

All in violation of Title 18, United States Code, Sections 1951 and 2.

COUNT ELEVEN
(18 U.S.C. §§1951 and 2)

From in or before 1986 through in or after October 1993, in the District of Massachusetts, the defendants,

JAMES J. BULGER,
STEPHEN J. FLEMMI, and
FRANCIS P. SALEMME,

and other persons known and unknown to the Grand Jury, including George Kaufman and Francis P. Salemme, Jr., did knowingly and unlawfully obtain property, to wit, United States currency from Joseph A. Yerardi, Jr. who was engaged in illegal gambling and loansharking activity, with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce.

All in violation of Title 18, United States Code, Sections 1951 and 2.

COUNT TWELVE
(18 U.S.C. §§1951 and 2)

Continuously between approximately September 1991 and April 1994, in the District of Massachusetts, the defendant, FRANCIS P. SALEMME, and other persons known and unknown to the Grand Jury, including Francis P. Salemme, Jr., did knowingly and unlawfully obtain property, to wit, United States currency from Peter Fiumara who was engaged in loansharking activity, with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce.

All in violation of Title 18, United States Code, Sections 1951 and 2.

COUNT THIRTEEN
(18 U.S.C. §§1951 and 2)

Continuously between approximately June 1991 and December 1993, in the District of Massachusetts, the defendant, FRANCIS P. SALEMME, and other persons known and unknown to the Grand Jury, including Francis P. Salemme, Jr., did knowingly and unlawfully obtain property, to wit, United States currency from Michael Dezotell who was engaged in illegal gambling activity, with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce.

All in violation of Title 18, United States Code, Sections 1951 and 2.

COUNT FOURTEEN
(18 U.S.C. §§1951 and 2)

Continuously between approximately November 1992 and October 1994, in the District of Massachusetts, the defendant, FRANCIS P. SALEMME, and other persons known and unknown to the Grand Jury, including Francis P. Salemme, Jr., did knowingly and unlawfully obtain property, to wit, the use of a 1992 Ford Explorer from Michael Dezotell who was engaged in illegal gambling activity, with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce.

All in violation of Title 18, United States Code, Sections 1951 and 2.

COUNT FIFTEEN
(18 U.S.C. §§1951 and 2)

In or about and between approximately July and October 1990,
in the District of Massachusetts, the defendants,

FRANCIS P. SALEMME, and
STEPHEN J. FLEMMI,

and other persons known and unknown to the Grand Jury, including George Kaufman, did knowingly and unlawfully obtain property, to wit, United States currency from Burton Krantz and Vincent Roberto who were engaged in illegal gambling activity, with their consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce.

All in violation of Title 18, United States Code, Sections 1951 and 2.

COUNT SIXTEEN
(18 U.S.C. §§1951 and 2)

In or about and between approximately 1989 and June 1992, in the District of Massachusetts, the defendants,

FRANCIS P. SALEMME, and
ROBERT P. DELUCA,

and other persons known and unknown to the Grand Jury, including George Kaufman, did knowingly and unlawfully obtain property, to wit, United States currency from Albert Figaratto who was engaged in illegal gambling activity, with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce.

All in violation of Title 18, United States Code, Sections 1951 and 2.

COUNT SEVENTEEN
(18 USC §§1951 and 2)

In or about and between approximately 1988 and June 1992, in the District of Massachusetts, the defendants,

JAMES J. BULGER,
STEPHEN J. FLEMMI,

and other persons known and unknown to the Grand Jury, including George Kaufman, did knowingly and unlawfully obtain property, to wit, United States currency from Bernard Weisman who was engaged in illegal gambling activity, with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear including indirect threats of physical harm, property damage, and economic loss, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce.

All in violation of Title 18, United States Code, Sections 1951 and 2.

COUNT EIGHTEEN
(18 USC §§1951 & 2)

In or about and between 1983 and February 1991, in the
District of Massachusetts, the defendants,

JAMES J. BULGER,
STEPHEN J. FLEMMI, and
JAMES M. MARTORANO,

and other persons known and unknown to the Grand Jury, did
knowingly and unlawfully obtain property, to wit, United States
currency from William D. Lindholm, who was engaged in illegal
narcotics trafficking, with his consent, which consent was
induced by the wrongful use of actual and threatened force,
violence, and fear including indirect threats of physical harm,
property damage, and economic loss, and thereby did obstruct,
delay, and affect commerce and the movement of any article in
commerce.

All in violation of Title 18, United States Code, Sections
1951 and 2.

COUNT NINETEEN
(18 USC §371)

1. At times material to the allegations contained in this Count:

(a) The International Brotherhood of Teamsters (hereinafter "IBT"), through its affiliated locals, did represent and would admit to membership persons who were employed by various companies involved in the film industry throughout the United States. As such, IBT and each related "local" was a labor organization engaged in an industry affecting commerce, within the meaning of Sections 141, 152, and 186 of Title 29 of the United States Code.

(b) IBT Local 25 was located in Charlestown, Massachusetts and was the largest IBT local in New England. William McCarthy was President of IBT Local 25 as well as International President and Vice-President. James Moar was Vice-President of IBT Local 25.

(c) William Winn was a member of IBT Local 25 and was a close associate of James Moar and William McCarthy. William Winn was also a "transportation captain" who supervised other IBT members employed by film companies in the New England region.

(d) IBT Local 995 was located in Las Vegas, Nevada. Dick Thomas was Secretary-Treasurer of IBT Local 995.

(e) The International Alliance of Theatrical and Stage Employees (hereinafter "IATSE"), through its affiliated locals, did represent and would admit to membership persons who were

employed by various companies involved in the film industry throughout the United States. As such, IATSE and each related "local" was a labor organization engaged in an industry affecting commerce, within the meaning of Sections 141, 152, and 186 of Title 29 of the United States Code.

(f) IATSE Local 720 was located in Las Vegas, Nevada. Ron Mich'l was business representative of IATSE Local 720. Michael Procia was International Vice-President of IATSE.

(g) Dennis Lepore was a "soldier" or "made" member of the Patriarca Family assigned to the defendant FRANCIS P. SALEMME's regime or "crew."

(h) Thomas Hillary was an associate of the Patriarca Family assigned to the defendant FRANCIS P. SALEMME's regime or "crew." Hillary had close ties to Raymond J. Patriarca.

(i) David Rudder Productions was a film company located in Santa Monica, California. In truth and fact, this company was part of an undercover operation conducted by the Federal Bureau of Investigation. The principal of David Rudder Productions was David Rudder, an undercover agent employed by the Federal Bureau of Investigation.

2. Continuously between approximately March 1989 and June 1990, in the District of Massachusetts and elsewhere, the defendant FRANCIS P. SALEMME and Francis P. Salemme, Jr. did combine, conspire, confederate, and agree with others known and unknown to the Grand Jury including Dennis Lepore, Thomas

Hillary, and William Winn to unlawfully pay and deliver money in excess of \$1,000 to union officials and union employees on behalf of David Rudder Productions (1) under circumstances in which said individuals were officers and employees of labor organizations which represented, sought to represent, and would admit to membership the employees of David Rudder Productions and (2) with intent to influence said union officials and union employees in respect to their actions, decisions, and duties as representatives of employees and as officers and employees of a labor organization in violation of Title 29, United States Code, Sections 186 (a)(2), (a)(4), and (b)(1).

METHODS AND MEANS OF THE CONSPIRACY

3. It was a part of the conspiracy that the defendant FRANCIS P. SALEMME and Francis P. Salemme, Jr. and their coconspirators used their influence with James Moar and William Winn to obtain a "sweetheart agreement" for David Rudder Productions which allowed David Rudder Productions to make a film without the employment of IBT members in Boston, Massachusetts and Providence, Rhode Island.

4. It was further a part of the conspiracy that money in excess of \$1,000 was paid by Francis P. Salemme, Jr. to James Moar in order to gain this "sweetheart agreement" at a time when James Moar was Vice-President of IBT Local 25.

5. It was further a part of the conspiracy that money was paid by David Rudder to the defendant FRANCIS P. SALEMME and Francis P. Salemme, Jr. and their coconspirators in return for their services to David Rudder Productions.

6. It was further a part of the conspiracy that James Moar spoke with John Amaral, President and business agent of IBT Local 251 in East Providence, Rhode Island, and instructed Amaral to permit David Rudder Productions to film in Providence without the employment of IBT members.

7. It was further a part of the conspiracy that William Winn consented to James Moar's agreement which permitted David Rudder Productions to film a movie without the employment of IBT members in Boston, Massachusetts and Providence, Rhode Island knowing that Francis P. Salemme, Jr. intended to pay money in excess of \$1,000 to James Moar.

8. It was further a part of the conspiracy that William Winn agreed to assist the defendant and the other coconspirators to obtain a similar "sweetheart agreement" for David Rudder Productions with IBT Local 995 in Las Vegas, Nevada knowing that Francis P. Salemme, Jr. intended to pay money to an IBT union official in order to accomplish this goal.

9. It was further a part of the conspiracy that William

Winn and Francis P. Salemme, Jr. represented David Rudder Productions in a meeting with IBT Local 995 Secretary-Treasurer Dick Thomas in Las Vegas, Nevada.

10. It was further a part of the conspiracy that Francis P. Salemme, Jr. represented David Rudder Productions in several meetings with IATSE Local 720 business representative Ron Mich'l in Las Vegas, Nevada.

11. It was further a part of the conspiracy that Francis P. Salemme, Jr. stated that he represented David Rudder Productions in a meeting with IATSE International Vice-President Michael Procia in New York, New York.

12. It was further a part of the conspiracy that the defendant FRANCIS P. SALEMME and Francis P. Salemme, Jr. met with Gambino Crime Family Capo Regime Natale Richichi in Las Vegas, Nevada in order to further the ends of the conspiracy.

OVERT ACTS

In furtherance of the conspiracy and to achieve the objects thereof, the defendant committed and caused to be committed, in the District of Massachusetts and elsewhere, the following overt acts, among others;

1. On or about June 20, 1989, Dennis Lepore and Thomas Hillary met with David Rudder at the Venezia Restaurant in Boston

Massachusetts.

2. On or about June 23, 1989, Dennis Lepore and Thomas Hillary met with David Rudder at the Marriot Hotel in Cambridge, Massachusetts.

3. On or about August 8, 1989, Dennis Lepore travelled from Boston, Massachusetts to Santa Monica, California and met with David Rudder at the business office of David Rudder Productions.

4. On or about August 23, 1989, Dennis Lepore received \$5,000 from David Rudder in Santa Monica, California.

5. On or about September 6, 1989, Francis P. Salemme, Jr. and Thomas Hillary met with David Rudder at the Charles Hotel in Cambridge, Massachusetts.

6. On or about September 8, 1989, Thomas Hillary and William Winn met with James Moar and David Rudder at the Charles Hotel in Cambridge, Massachusetts.

7. On or about September 17, 1989, Francis P. Salemme, Jr. and Thomas Hillary travelled from Boston, Massachusetts to Las Vegas, Nevada and met with David Rudder.

8. On or about September 25, 1989, Francis P. Salemme, Jr. and Thomas Hillary travelled from Boston, Massachusetts to Providence, Rhode Island and met with David Rudder.

9. On or about September 26, 1989, Francis P. Salemme, Jr. met with John Amaral and David Rudder in Warwick, Rhode Island.

10. On or about December 6, 1989, Francis P. Salemme, Jr., Thomas Hillary, and William Winn travelled from Boston,

Massachusetts to Las Vegas, Nevada and met with David Rudder.

11. On or about December 8, 1989, Francis P. Salemme, Jr. received \$5,000 from David Rudder in Las Vegas, Nevada.

12. On or about January 9, 1990, Francis P. Salemme, Jr. travelled from Boston, Massachusetts to New York, New York and met with David Rudder.

13. On or about February 1, 1990, Francis P. Salemme, Jr. met with David Rudder in Providence, Rhode Island.

14. On or about February 1, 1990, Francis P. Salemme, Jr. received \$5,000 from David Rudder in Providence, Rhode Island.

15. On or about February 26, 1990, Francis P. Salemme, Jr. received \$1,000 from David Rudder in Santa Monica, California.

16. On or about March 7, 1990, Francis P. Salemme, Jr. and William Winn met with David Rudder in Las Vegas, Nevada.

17. On or about May 1, 1990 the defendant FRANCIS P. SALEMME and Francis P. Salemme, Jr. travelled from Los Angeles, California to Las Vegas, Nevada and met with Natale Richichi.

18. On or about May 10, 1990, Francis P. Salemme, Jr. met with David Rudder in Las Vegas, Nevada.

19. On or about May 22, 1990, Francis P. Salemme, Jr. met with David Rudder in Santa Monica, California.

20. On or about June 7, 1990, Francis P. Salemme, Jr. received \$5,000 from David Rudder at the Golden Nugget Hotel in Las Vegas, Nevada.

All in violation of Title 18, United States Code, Section 371.

COUNT TWENTY
(18 U.S.C. §1952)

On or about April 17, 1990, in the District of Massachusetts and elsewhere, the defendant FRANCIS P. SALEMME did unlawfully, willfully, and knowingly travel in interstate commerce from Boston, Massachusetts to Los Angeles, California, with intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of unlawful activity, namely, bribery of officers and employees of labor organizations in violation of Massachusetts General Laws, Chapter 271, Section 39, and Nevada Revised Statutes, Sections 614.140 and 614.150, and did thereafter perform and attempt to perform acts to promote, manage, establish, carry on, and facilitate the promotion, management, establishment and carrying on of said unlawful activity.

All in violation of Title 18, United States Code, Section 1952.

COUNT TWENTY-ONE
(18 U.S.C. §1952)

On or about May 1, 1990, the defendant FRANCIS P. SALEMME did unlawfully, willfully, and knowingly travel in interstate commerce from Los Angeles, California to Las Vegas, Nevada, with intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of unlawful activity, namely, bribery of officers and employees of labor organizations in violation of Massachusetts General Laws, Chapter 271, Section 39, and Nevada Revised Statutes, Sections 614.140 and 614.150, and did thereafter perform and attempt to perform acts to promote, manage, establish, carry on, and facilitate the promotion, management, establishment and carrying on of said unlawful activity.

All in violation of Title 18, United States Code, Section 1952.

COUNT TWENTY-TWO
(18 U.S.C. §1952)

On or about May 3, 1990, the defendant FRANCIS P. SALEMME did unlawfully, willfully, and knowingly travel in interstate commerce from Las Vegas, Nevada to Los Angeles, California, with intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of unlawful activity, namely, bribery of officers and employees of labor organizations in violation of Massachusetts General Laws, Chapter 271, Section 39, and Nevada Revised Statutes, Sections 614.140 and 614.150, and did thereafter perform and attempt to perform acts to promote, manage, establish, carry on, and facilitate the promotion, management, establishment and carrying on of said unlawful activity.

All in violation of Title 18, United States Code, Section 1952.

COUNT TWENTY-THREE
(18 U.S.C. §371)

1. On or about October 29, 1989, in the District of Massachusetts and elsewhere, the defendant ROBERT P. DELUCA did knowingly and intentionally combine, conspire, confederate, and agree with others known and unknown to the Grand Jury, to violate Title 18, United States Code, Section 1952.

2. It was part of said conspiracy that the defendant and his co-conspirators travelled and caused travel to occur in interstate and foreign commerce to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of unlawful activity, said unlawful activity involving (1) a business enterprise involving gambling in violation of Title 18, United States Code, Section 1955, and narcotics and controlled substances in violation of Title 21, United States Code, Sections 841 and 846, and (2) extortion in violation of Title 18, United States Code, Sections 892, 894, and 1951, and that said defendants thereafter performed and attempted to perform acts to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of said unlawful activity.

3. It was further part of said conspiracy that the defendant was about to become a member of a secret criminal organization identified and known as the Patriarca Family of La

Cosa Nostra which was a business enterprise involving gambling, narcotics, and extortion. Said organization had as its head or Boss Raymond J. Patriarca who resided in Rhode Island. Members and associates of the Patriarca Family of La Cosa Nostra resided in the States of Connecticut, Rhode Island, and New Hampshire and in the Commonwealth of Massachusetts.

4. It was further part of said conspiracy that on October 29, 1989, certain of the co-conspirators travelled in interstate commerce for the purpose of attending a meeting to establish the chain-of-command and hierarchy of the Family, to induct four new members into the Family, and to instruct the new members as to the hierarchy of the organization and as to the rules governing their conduct of its illegal gambling, loansharking, and narcotics activities.

5. In furtherance of the conspiracy and to effect the objects thereof, the defendant and his co-conspirators committed the following overt acts in the District of Massachusetts and elsewhere:

(a) On October 29, 1989, Raymond J. Patriarca, Matthew L. Guglielmetti, Jr., Pasquale Galea, and the defendant ROBERT DELUCA travelled from the State of Rhode Island to Medford in the Commonwealth of Massachusetts.

(b) On October 29, 1989, Carmen A. Tortora, Vincent Federico, Richard J. E. Floramo, and the defendant ROBERT P.

DELUCA were inducted as Soldiers of the Patriarca Family at a ceremony presided over by Raymond J. Patriarca and attended by seventeen members of the Patriarca Family from the States of Rhode Island and Connecticut and the Commonwealth of Massachusetts.

(c) On October 29, 1989, Biagio DiGiacomo formally opened the induction ceremony by stating in Italian, "In Honor of the Family, the Family is open."

(d) On October 29, 1989, Carmen A. Tortora, Vincent Federico, Richard J. E. Floramo, and the defendant ROBERT P. DELUCA, who were inducted into the Patriarca Family, received instructions concerning the rules of La Cosa Nostra and agreed in the presence of all other members to kill any individual who posed a threat to the organization and its members.

(e) On October 29, 1989, Biagio DiGiacomo stated to Carmen Tortora, "Carmen, we're going to baptize you again. You were baptized when you were a baby, your parents did it, but now this time we gonna baptize you."

(f) On October 29, 1989, Biagio DiGiacomo administered the following oaths (in Italian) to each of the four inductees:

I ... want to enter into this organization to protect my Family and to protect all my Friends. ... I swear not to divulge this secret and to obey, with love and Omerta.

After this first oath the trigger finger of each inductee was cut to draw blood for use in the ritual. A holy card with the image of the Patriarca Family Saint was then burned as DiGiacomo administered the second oath:

As burns this Saint so will burn my soul. I enter alive into this organization and I will have to get out dead.

(g) On October 29, 1989, DiGiacomo explained to each inductee the commitment to the organization and its secrecy required of him:

We get in alive in this organization and the only way we gonna get out is dead no matter what. It's no hope, no Jesus, no Madonna, nobody can help us if we ever give up this secret to anybody, any kinds of friends of mine, let's say. This Thing that cannot be exposed.

All in violation of Title 18, United States Code, Section 371.

COUNT TWENTY-FOUR
(18 U.S.C. §§1952 and 2)

On or about October 29, 1989, the defendant ROBERT P. DELUCA did unlawfully, wilfully, and knowingly travel in interstate commerce between the State of Rhode Island and the Commonwealth of Massachusetts, with intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of unlawful activity, to wit, (1) a business enterprise involving gambling in violation of Massachusetts General Laws, Chapter 271, Sections 5, 7, 8, 9, 16A, 17, 20, and 22, and Title 18, United States Code, Section 1955, and narcotics and controlled substances in violation of Title 21, United States Code, Sections 841 and 846, and (2) extortion in violation of Title 18, United States Code, Sections 892, 894, and 1951, and thereafter did perform and attempt to perform acts to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of said unlawful activity.

All in violation of Title 18, United States Code, Sections 1952 and 2.

COUNT TWENTY-FIVE
(18 U.S.C. §§1952 and 2)

On or about December 11, 1991, the defendants FRANCIS P. SALEMME and ROBERT P. DELUCA did unlawfully, wilfully, and knowingly cause and aid and abet Natale Richichi to travel in interstate commerce between the State of Nevada and the Commonwealth of Massachusetts, with intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of unlawful activity, to wit, (1) a business enterprise involving gambling in violation of Massachusetts General Laws, Chapter 271, Sections 5, 7, 8, 9, 16A, 17, 20, and 22, and Title 18, United States Code, Section 1955, and narcotics and controlled substances in violation of Title 21, United States Code, Sections 841 and 846, and (2) extortion in violation of Title 18, United States Code, Sections 892, 894, and 1951, and thereafter did perform and attempt to perform acts to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of said unlawful activity.

All in violation of Title 18, United States Code, Sections 1952 and 2.

COUNT TWENTY-SIX
(18 USC §1952)

On or about December 11, 1991, the defendant ROBERT P. DELUCA did unlawfully, wilfully, and knowingly travel in interstate commerce between the State of Rhode Island and the Commonwealth of Massachusetts, with intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of unlawful activity, to wit, (1) a business enterprise involving gambling in violation of Massachusetts General Laws, Chapter 271, Sections 5, 7, 8, 9, 16A, 17, 17A, 20, and 22, and Title 18, United States Code, Section 1955, and narcotics and controlled substances in violation of Title 21, United States Code, Sections 841 and 846, and (2) extortion in violation of Title 18, United States Code, Sections 892, 894, and 1951, and thereafter did perform and attempt to perform acts to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of said unlawful activity.

All in violation of Title 18, United States Code, Section 1952.

COUNT TWENTY-SEVEN
(18 USC §§894 and 2)

In or about and between approximately January 1990 and August 1991, in the District of Massachusetts, the defendant FRANCIS P. SALEMME did knowingly aid and abet Joseph A. Yerardi, Jr., Peter J. Fiumara, and others known and unknown to the Grand Jury, in the use of extortionate means to collect and attempt to collect extensions of credit made to Steven Ferullo in the approximate aggregate amount of \$21,000.

All in violation of Title 18, United States Code, Sections 894(a) and 2.

COUNT TWENTY-EIGHT
(18 USC §1512)

In or about June 1993, in the District of Massachusetts, the defendant STEPHEN J. FLEMMI did corruptly persuade another person and attempt to do so and engage in misleading conduct toward another person known to the grand jury with intent to influence and prevent the testimony of that person in an official proceeding, i.e., a grand jury proceeding, in that the defendant did suborn perjury and provide false and misleading information to James Katz who was a witness in said ongoing grand jury investigation of the defendants.

In violation of Title 18, United States Code, Section 1512.

COUNT TWENTY-NINE
(18 USC §1512)

In or about June 1993, in the District of Massachusetts, the defendant STEPHEN J. FLEMMI did corruptly persuade another person and attempt to do so and engage in misleading conduct toward another person known to the grand jury with intent to influence and prevent the testimony of that person in an official proceeding, i.e., a grand jury proceeding, in that the defendant did suborn perjury and provide false and misleading information to Howard Levenson who was a witness in said ongoing grand jury investigation of the defendants.

In violation of Title 18, United States Code, Section 1512.

RACKETEERING FORFEITURE ALLEGATIONS

1. The allegations of Counts One and Two of this indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 1963.

2. As a result of the offenses in violation of Title 18, United States Code, Section 1962, set forth in Counts One and Two of this indictment, the defendants,

FRANCIS P. SALEMME,
JAMES J. BULGER,
STEPHEN J. FLEMMI,
ROBERT P. DELUCA, and
JAMES M. MARTORANO,

shall forfeit to the United States of America pursuant to Title 18, United States Code, Section 1963(a):

(i) all interests the defendants have acquired and maintained in violation of Title 18, United States Code, Section 1962, wherever located, and in whatever names held;

(ii) all interests in, securities of, claims against, and properties and contractual rights of any kind affording a source of influence over, any enterprise which the defendants have established, operated, controlled, conducted, and participated in the conduct of, in violation of Title 18, United States Code, Section 1962; and

(iii) all property constituting, and derived from, any proceeds which the defendants obtained, directly and indirectly, from racketeering activity and unlawful debt collection in

violation of Title 18, United States Code, Section 1962.

3. If any of the property described in paragraph 2 hereof as being forfeitable pursuant to Title 18, United States Code, Section 1963, as a result of any act and omission of the defendants --

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred to, sold to, or deposited with a third party;
- c. has been placed beyond the jurisdiction of this Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 18, United States Code, Section 1963(m), to seek forfeiture of all other property of the defendants up to the value of the property listed in subparagraphs a through e hereof.

All pursuant to Title 18, United States Code, Section 1963.

A TRUE BILL

Linda M. Jordan
Deputy Foreperson of the Grand Jury

Charles M. Skysak, Jr.
Assistant United States Attorney

DISTRICT OF MASSACHUSETTS; 7-2 1996

Returned into the District Court by the Grand Jurors and
filed.

Thomas M. Lutz
Deputy Clerk

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

JAMES J. BULGER,
STEPHEN J. FLEMMI, and
MICHAEL S. FLEMMI,

Defendants.

)
) Crim. No. 99-10371-RGS
)
) Violations:
) 18 U.S.C. § 1962(d)
) 18 U.S.C. § 1962(c)
) 18 U.S.C. § 1963
) 18 U.S.C. § 1956(a)(1)
) 18 U.S.C. § 1956(h)
) 18 U.S.C. § 1951
) 18 U.S.C. § 1623
) 18 U.S.C. § 1512
) 18 U.S.C. § 1503
) 18 U.S.C. § 982
) 18 U.S.C. § 924(c)
) 18 U.S.C. § 922(k)
) 18 U.S.C. § 922(o)
) 18 U.S.C. § 894
) 26 U.S.C. § 5841
) 26 U.S.C. § 5845(a)
) 26 U.S.C. § 5861(d)
) 26 U.S.C. § 5871
) 18 U.S.C. § 2

THIRD SUPERSEDING INDICTMENT

THE UNITED STATES GRAND JURY in and for the District of
Massachusetts charges that:

COUNT ONE

(Racketeering Conspiracy)

THE ENTERPRISE

1. From in or before 1972 and continuing until in or about
2000, within the District of Massachusetts and elsewhere, the
defendants **JAMES J. BULGER**, also known as "Whitey," "Jim," and
"Jimmy," and **STEPHEN J. FLEMMI**, and others known and unknown to
the grand jury, were members and associates of a criminal
organization known by various names such as "Winter Hill," "the

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Hill," "the Winter Hill Gang," and "South Boston" (hereinafter the "Bulger Group") whose members and associates associated together and with others for the purpose of, among other things, earning money through extortion, loansharking, bookmaking, trafficking in narcotics and other controlled substances, and committing crimes of violence including murder, attempted murder, and assault.

2. The Bulger Group, including its leadership, membership, and associates, constituted an "enterprise" as defined by Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact, which engaged in, and the activities of which affected, interstate and foreign commerce. The Bulger Group affected interstate and foreign commerce by, among other things, the sale of narcotics and other controlled substances in Massachusetts and elsewhere that had been brought into Massachusetts from places outside thereof, the extortion of individuals and entities whose activities affected interstate commerce, the control and operation of businesses affecting interstate commerce, the use of financial institutions affecting interstate commerce, and travel in interstate commerce.

3. At various times during the period covered by this Superseding Indictment, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI** were the leaders of the Bulger Group. At all times covered by this Superseding Indictment, **MICHAEL S. FLEMMI**

was the brother of the defendant **STEPHEN J. FLEMMI**. At various times during the period covered by this Superseding Indictment, **MICHAEL S. FLEMMI** rendered assistance to the defendant **STEPHEN J. FLEMMI** and other members and associates of the Bulger Group, including through, among other means, the commission of crimes relating to obstruction of justice and weapons possession.

4. The Bulger Group formed in or about 1972 as a result of a merger of two South Boston criminal groups and one criminal group based in Somerville, Massachusetts. The two South Boston criminal groups, one known as the Mullins Gang and another led by two brothers, Donald and Kenneth Killeen, had waged a shooting war for preeminence in South Boston in which the ranks of both groups had been decimated. The defendant **JAMES J. BULGER**, who was aligned with the Killeen brothers, requested that Howard T. Winter, the leader of the Somerville criminal group, intercede to end the fighting in South Boston. Winter agreed and the remnants of the two South Boston groups were merged into one group led by **BULGER**. **BULGER** and his South Boston criminal associates subsequently associated themselves with Winter's Somerville group. The resulting criminal organization became colloquially known as the Winter Hill Gang. The Winter Hill Gang engaged in criminal activity throughout the Boston area and elsewhere.

5. The principal members of the Winter Hill Gang included Howard T. Winter, James L. Sims, Joseph M. McDonald, the

defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, and John V. Martorano. In approximately 1976, Sims and McDonald became fugitives from federal charges relating to the theft and interstate transportation of stolen rare stamps. In approximately 1978, Winter was incarcerated as a result of a conviction on state extortion charges. In late 1978, Martorano became a fugitive in anticipation of his indictment on federal racketeering charges. Martorano remained a fugitive until 1995, when he was apprehended in Florida. Consequently, by approximately 1979, **BULGER** and **FLEMMI** assumed control of the activities of this criminal organization, referred to herein as the Bulger Group, and maintained that control through 1999. During this period, South Boston was the primary base of operations for this organization, which continued to operate throughout the Boston area and elsewhere.

GOALS AND PURPOSES OF THE ENTERPRISE

6. The primary goals and purposes of the Bulger Group included the following:

a. Generating money for members and associates of the enterprise through extortion, loansharking, bookmaking, and the sale and distribution of narcotics and other controlled substances;

b. Preserving and protecting the enterprise's territories, operations, and profits through the use of violence and threats of violence;

c. Promoting and enhancing the prestige, reputation, and position of the enterprise with respect to rival criminal organizations, victims, and members of the public through the use of violence and threats of violence;

d. Intimidating and punishing members, workers, and associates of the enterprise who had fallen into disfavor or who had failed to remain loyal to the leadership of the enterprise; and

e. Protecting the enterprise and its members from criminal prosecution through efforts to obstruct justice, including the use of violence and threats of violence against potential witnesses.

MEANS AND METHODS OF THE ENTERPRISE

7. To further their goal of generating money for the enterprise, members and associates of the Bulger Group extorted money from persons generating illegal income, including persons engaged in the distribution of narcotics and other controlled substances, in bookmaking, and in loansharking. In order to operate their illegal businesses without reprisals or interference from the Bulger Group, drug dealers, bookmakers and loansharks were required to make regular payments to the Bulger

Group. These payments were commonly known as "rent." Such payments were made to representatives of the Bulger Group both according to regular schedules and in the form of lump sums, sometimes referred to as "fines," paid on one or several occasions.

8. To further their goal of generating money for the enterprise, members and associates of the Bulger Group also extorted money and other things of value from persons engaged in commercial activities, such as the operation of taverns, liquor stores, and real estate and lending transactions, and from persons who otherwise had access to large amounts of funds.

9. To further their goal of generating money for the enterprise, members and associates of the Bulger Group also engaged in income-generating criminal businesses, including bookmaking and loansharking operations and wholesale and retail trafficking in narcotics and other controlled substances. Ordinarily, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI** delegated the operation of these criminal businesses to other members and associates of the Bulger Group from whom they collected a share of the proceeds of these illegal activities.

10. The locations in which members and associates of the Bulger Group frequently met for the purposes of planning and conducting their criminal activities included among others, at various times, Marshall Motors (also known as Motorama Sales,

Inc.), located at 12 Marshall Street, Somerville, Massachusetts, the Lancaster Foreign Car Service Garage, located at 19 Lancaster Street, Boston, Massachusetts, the South Boston Liquor Mart (also known as Stippo's Liquor Mart and Columbia Wine and Spirits), located at 295 Old Colony Avenue in South Boston, Massachusetts, the Rotary Variety Store (also known as the Rotary Video Store and South Boston Check Cashing), located at 309-325 Old Colony Avenue in South Boston, Massachusetts, and Triple-O's Lounge, located at 28 West Broadway in South Boston, Massachusetts. The defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, were, at various times, among the owners, operators, and employees of the South Boston Liquor Mart, the Rotary Variety Store, and the parcels of real property on which they were located.

11. Members and associates of the Bulger Group engaged in financial transactions with the proceeds of the Bulger Group's criminal activities, many of which were designed, in whole or in part, to disguise the nature and sources of those proceeds and the relationships of members and associates of the Bulger Group to those assets, and to shield those proceeds from seizure and forfeiture by law enforcement authorities. For example, between approximately 1984 and 1999, members and associates of the Bulger Group, including the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, attempted to conduct and conducted a series of financial transactions involving the South Boston Liquor Mart, the real

property at 295 Old Colony Avenue on which the South Boston Liquor Mart was located, the real property adjacent to the South Boston Liquor Mart at 309-325 Old Colony Avenue, and the Rotary Variety Store located within 309-325 Old Colony Avenue. These transactions were designed to facilitate the control of, and acquisition of income from, those assets by members of the Bulger Group, while disguising their true relationships to those assets and that the assets had been obtained, maintained, and operated through extortion and with the proceeds of extortion and other racketeering activities.

12. To further their goals of earning money and gaining prestige within the Bulger Group, as well as to protect members of the Bulger Group, to preserve and enhance the reputation and position of the Bulger Group with respect to others, and to foster and maintain the Bulger Group's relationships with others, members and associates of the Bulger Group engaged in the threatened and actual use of violence, including assault, attempted murder and murder. These activities included, but were not limited to, the following:

a. In or about and between March 1973 and February 1974, at various locations in the District of Massachusetts and elsewhere, members and associates of the Bulger Group including **JAMES J. BULGER**, John V. Martorano, Joseph M. McDonald, James L. Sims, and others known and unknown to the grand jury, assaulted

and murdered the following individuals in connection with a dispute with members of a rival group led by Al Notorangeli:

- (1) Michael Milano - murdered on March 8, 1973;
- (2) Dianne Sussman - shot on March 8, 1973;
- (3) Louis Lapiana - shot on March 8, 1973;
- (4) Al Plummer - murdered on March 19, 1973;
- (5) Hugh Shields - shot on March 19, 1973;
- (6) Frank Capizzi - shot on March 19, 1973;
- (7) William O'Brien - murdered on March 24, 1973;
- (8) Ralph DiMasi - shot on March 24, 1973;
- (9) James Leary - murdered on April 3, 1973;
- (10) Joseph Notorangeli - murdered on April 18, 1973; and
- (11) Al Notorangeli - murdered on February 21, 1974.

b. On or about December 1, 1973, in the vicinity of Dorchester, Massachusetts, the defendant **JAMES J. BULGER**, John V. Martorano, Joseph M. McDonald, and others known and unknown to the grand jury, murdered James O'Toole, a former associate of the Charlestown-based McLaughlin Gang and an enemy of members and associates of the Bulger Group.

c. In or about October 1974, in the vicinity of Somerville, Massachusetts, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, John V. Martorano, Joseph M. McDonald, and

others known and unknown to the grand jury, murdered James Sousa, a criminal associate who was involved in a botched robbery with other members and associates of the Bulger Group, after he was arrested and charged in connection with that robbery because he was believed to be a potential witness against and liability to members of the Bulger Group.

d. In or about November 1974, in the vicinity of South Boston, Massachusetts, the defendant **JAMES J. BULGER**, and others known and unknown to the grand jury, murdered Paul McGonagle, who had been a member of the Mullins Gang and an opponent of **BULGER** during the battle for control of South Boston among rival criminal groups, and thereafter buried his remains in the vicinity of Tenean Beach, Dorchester, Massachusetts.

e. On or about June 12, 1975, in the vicinity of Dorchester, Massachusetts, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, John V. Martorano, and others known and unknown to the grand jury, murdered Edward Connors, a person who had knowledge of the participation of members of the Bulger Group in the murder of James O'Toole.

f. On or about November 5, 1975, in the vicinity of South Boston, Massachusetts, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, John V. Martorano, and others known and unknown to the grand jury, murdered Thomas King, a member of the

Bulger Group who was viewed as a threat to **BULGER** and other members of the organization, and thereafter buried his remains in the vicinity of the Neponset River, Quincy, Massachusetts.

g. On or about November 6, 1975, in the vicinity of South Boston, Massachusetts, the defendant **JAMES J. BULGER**, and others known and unknown to the grand jury, murdered Francis "Buddy" Leonard, in an effort to divert attention from the disappearance of Thomas King.

h. In or before May 1981, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, John V. Martorano, Joseph M. McDonald, John B. Callahan, and others known and unknown to the grand jury, conspired to murder Roger Wheeler, the owner of a business known as World Jai Alai. On or about May 27, 1981, in the vicinity of the Southern Hills Country Club, Tulsa, Oklahoma, John V. Martorano and Joseph M. McDonald murdered Roger Wheeler.

i. In or about late 1981, in the vicinity of South Boston, Massachusetts, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI** murdered Debra Davis, a girlfriend of **FLEMMI** whom **BULGER** and **FLEMMI** viewed as posing a threat to **FLEMMI**, and thereafter buried her remains in the vicinity of the Neponset River, Quincy, Massachusetts.

j. In or about July 1983, in the vicinity of South Boston, Massachusetts, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, Kevin J. Weeks, and others known and unknown to the

grand jury, kidnaped, extorted, and murdered Arthur "Bucky" Barrett.

k. In or about early 1985, in the vicinity of South Boston, Massachusetts, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI** murdered Deborah Hussey, who was the step-daughter of **FLEMMI** and whom **BULGER** and **FLEMMI** viewed as posing a threat to **FLEMMI**.

13. In preparation for and in furtherance of their commission of crimes of violence, members and associates of the Bulger Group acquired and maintained firearms of various types and calibers, including handguns, rifles, automatic weapons, and shotguns, ammunition of various types and calibers, explosive devices and materials, silencers, other weapons, and disguises, badges, and other tools of the trade. Such weapons, ammunition, and other materials were secreted and stored at times in hidden locations and in large stockpiles. Such locations included, but were not limited to: a hidden location at the residence of George Kaufman in Brookline, Massachusetts which was utilized during at least the 1980s; a hidden compartment in the interior wall of a detached structure in the rear yard of 832 East Third Street, South Boston, Massachusetts, which was the residence at times of the defendant **STEPHEN J. FLEMMI** and of the parents of the defendant **STEPHEN J. FLEMMI** and **MICHAEL S. FLEMMI**, and where a large quantity of weapons and ammunition were placed and stored

at about the time of the sale of Kaufman's Brookline home; and the premises at 8 Pilsudski Way, South Boston, Massachusetts, which was the residence at times of Kevin J. Weeks and where, at the direction of the defendant **JAMES J. BULGER**, a large quantity of weapons and ammunition were placed that previously had been stored both at Kaufman's Brookline home and at 832 East Third Street in South Boston. In or about January 2000, **MICHAEL S. FLEMMI**, and others known and unknown to the grand jury, at the direction of the defendant **STEPHEN J. FLEMMI**, removed a large number of the weapons stored at 832 East Third Street in South Boston in order to prevent their recovery and seizure by law enforcement officers.

14. As a means of preserving and protecting the enterprise and its leadership from prosecution, members and associates of the Bulger Group engaged in activities designed to hinder and obstruct the administration of justice. These activities included, but were not limited to, the following:

a. Members and associates of the Bulger Group used and threatened to use violence, including murder, against actual and potential witnesses with knowledge of the criminal activities of the Bulger Group. These activities included, but were not limited to, the following:

(1) In or about December 1976, members and associates of the Bulger Group learned that Richard Castucci was

providing information to agents of the Federal Bureau of Investigation regarding the whereabouts of fugitives Joseph M. McDonald and James L. Sims. On or about December 30, 1976, in the vicinity of Somerville, Massachusetts, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, John V. Martorano, and others known and unknown to the grand jury, murdered Richard Castucci.

(2) In or about May 1982, members and associates of the Bulger Group learned that Brian Halloran was providing information to agents of the Federal Bureau of Investigation regarding, among other things, the involvement of the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI** and John V. Martorano in the murder of Roger Wheeler, and the involvement of **BULGER** and others in the murder of Louis Litif. On or about May 11, 1982, in the vicinity of Northern Avenue, South Boston, Massachusetts, **BULGER**, Kevin J. Weeks, and others known and unknown to the grand jury, murdered Brian Halloran and Michael Donahue, who was riding in an automobile with Halloran at the time Halloran was murdered.

(3) In or about July 1982, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI** learned that investigative efforts relating to the murder of Roger Wheeler were being directed towards John B. Callahan, former president of World Jai Alai. Concerned that Callahan might implicate **BULGER** and **FLEMMI** in the murder of Wheeler, **BULGER** and **FLEMMI** agreed with John V. Martorano to murder Callahan. On or about August 1, 1982, in the

vicinity of Ft. Lauderdale, Florida, John V. Martorano and Joseph M. McDonald murdered John Callahan.

(4) In or about October and November 1984, members and associates of the Bulger Group learned that John McIntyre was cooperating with law enforcement officials including agents of the Federal Bureau of Investigation and the United States Customs Service concerning illegal activities of the Bulger Group. These illegal activities included the illegal shipment of arms and ammunition aboard the fishing trawler Valhalla to elements of the Irish Republican Army in Ireland in September of 1984. Members and associates of the Bulger Group, including the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI** had contributed firearms and other materials to that shipment. These illegal activities further included the illegal distribution of drugs by members and associates of the Bulger Group, including the importation of approximately thirty-six tons of marihuana into Boston Harbor on board the vessel Ramsland, which had been seized by federal authorities on or about November 14, 1984. On or about November 30, 1984, in the vicinity of South Boston, Massachusetts, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, Kevin J. Weeks, and others known and unknown to the grand jury, kidnaped and murdered John McIntyre.

(5) In order to evade detection for the murders of Arthur "Bucky" Barrett, John McIntyre, and Deborah Hussey, the

defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, Kevin J. Weeks, and other members and associates of the Bulger Group, buried the remains of these three persons in the basement of a private home located in South Boston, Massachusetts. In or about October 1985, **BULGER**, **FLEMMI**, Weeks, and others, having learned of the impending sale of that residence, exhumed the remains of these three persons and buried those remains in a common grave which they prepared in the vicinity of 55 Hallett Street, Dorchester, Massachusetts.

b. Members and associates of the Bulger Group attempted to monitor the activities of grand juries investigating the Bulger Group, to improperly influence the testimony of witnesses called before those grand juries, and to improperly influence grand juries and courts conducting proceedings related to members and associates of the Bulger Group, including through perjury. For example, in or about late 1993, the defendant **STEPHEN J. FLEMMI** attempted to prevent the potential testimony of Richard O'Brien. In or about and between August and November 1995, **FLEMMI** improperly influenced the grand jury testimony of Richard O'Brien. In or about 1997 and 1998, Kevin J. Weeks met with and passed information between the defendant **STEPHEN J. FLEMMI** and John J. Connolly as part of an effort by **FLEMMI**, Connolly, and others to improperly influence federal court proceedings involving **FLEMMI**, including through perjury. In or

about June 2000, **MICHAEL S. FLEMMI** obstructed, by means of perjury, a grand jury investigation concerning, among other matters, the Bulger Group's weapons that had been concealed and stored at 832 East Third Street in South Boston.

c. The leadership of the Bulger Group at times arranged for or funded, in whole or in part, legal representation of persons facing criminal charges who were associated with the Bulger Group and who were believed to be potentially damaging witnesses against the leadership of the Bulger Group. Such persons included, among others, Paul Moore and David Lindholm. In addition, leaders of the Bulger Group assisted each other, as well as leaders of allied criminal groups, in funding their defenses to criminal charges and other expenses associated with arrest, detention, and prosecution. For example, in or about 1996, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, Kevin J. Weeks, and others, caused approximately \$10,000 in cash, which was proceeds of racketeering activity, to be conveyed for use by John V. Martorano for legal and other expenses.

d. Members and associates of the Bulger Group, including the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, fostered and maintained relationships with active and former law enforcement officers in order to obtain confidential investigative information to which they were not entitled. Such information included, for example, the existence of electronic

surveillance targeting members and associates of the Bulger Group and the activities of grand juries investigating the Bulger Group. Other such information included the identities of individuals actually and potentially cooperating with law enforcement authorities in various capacities, including as informants and witnesses.

e. Members and associates of the Bulger Group at times fled the jurisdiction to avoid apprehension by federal and state law enforcement authorities and provided financial and other support to other members and associates of the Bulger Group who did the same. For example, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, and other members and associates of the Bulger Group, provided financial support to federal fugitive John V. Martorano during the period from approximately 1978 through 1995. **BULGER** and **FLEMMI**, and other members and associates of the Bulger Group, provided financial support to federal fugitives Joseph M. McDonald and James L. Sims during the period from approximately 1975 through 1982. Kevin J. Weeks spoke with, met with, and provided information and false identification to **BULGER** while **BULGER** was a federal fugitive during 1995 and 1996. In or about late 1999, at **FLEMMI**'s behest and through a source supplied by **FLEMMI**, Kevin J. Weeks obtained and provided to **FLEMMI** and others confidential information concerning electronic

surveillance being conducted in connection with efforts to apprehend **BULGER**.

THE RACKETEERING CONSPIRACY

15. From in or before 1972 and continuing until in or about 2000, both dates being approximate and inclusive, within the District of Massachusetts and elsewhere, the defendants

**JAMES J. BULGER and
STEPHEN J. FLEMMI,**

and others known and unknown to the grand jury, being persons employed by and associated with the Bulger Group, which enterprise engaged in, and whose activities affected, interstate and foreign commerce, did knowingly and intentionally conspire to violate Title 18, United States Code, Section 1962(c), that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of the enterprise through a pattern of racketeering activity, as that term is defined by Title 18, United States Code, Sections 1961(1) and 1961(5), and as set forth in paragraphs 17 through 80 of this Superseding Indictment.

16. It was part of the conspiracy that each defendant agreed that a conspirator would commit at least two acts of racketeering.

RACKETEERING ACT NUMBER ONE

(Conspiracy to Murder Members of Notorangeli Group)

17. From in or about early 1973 and continuing until in or about early 1974, in the District of Massachusetts and elsewhere,

the defendant **JAMES J. BULGER**, John V. Martorano, and others known and unknown to the grand jury, did commit an act involving murder, that is, did conspire together to murder members of a criminal organization headed by Al Notorangeli that was viewed as a threat to the Bulger Group, in violation of Section 1 of Chapter 265 and Section 7 of Chapter 274 of the Massachusetts General Laws.

RACKETEERING ACT NUMBER TWO
(Murder of Michael Milano)

18. On or about March 8, 1973, in the District of Massachusetts, the defendant **JAMES J. BULGER**, John V. Martorano, and others known and unknown to the grand jury, did commit an act involving murder, that is, aiding and abetting one another and being armed with dangerous weapons, did assault Michael Milano with the intent to murder him and did thereby kill and murder Michael Milano in violation of Section 1 of Chapter 265 and Section 2 of Chapter 274 of the Massachusetts General Laws.

RACKETEERING ACT NUMBER THREE
(Murder of Al Plummer)

19. On or about March 19, 1973, in the District of Massachusetts, the defendant **JAMES J. BULGER**, John V. Martorano, and others known and unknown to the grand jury, did commit an act involving murder, that is, aiding and abetting one another and being armed with dangerous weapons did assault Al Plummer with the intent to murder him and did thereby kill and murder Al

Plummer in violation of Section 1 of Chapter 265 and Section 2 of Chapter 274 of the Massachusetts General Laws.

RACKETEERING ACT NUMBER FOUR
(Murder of William O'Brien)

20. On or about March 24, 1973, in the District of Massachusetts, the defendant **JAMES J. BULGER**, John V. Martorano, and others known and unknown to the grand jury, did commit an act involving murder, that is, aiding and abetting one another and being armed with dangerous weapons, did assault William O'Brien with the intent to murder him and did thereby kill and murder William O'Brien in violation of Section 1 of Chapter 265 and Section 2 of Chapter 274 of the Massachusetts General Laws.

RACKETEERING ACT NUMBER FIVE
(Murder of James O'Toole)

21. On or about December 1, 1973, in the District of Massachusetts, the defendant **JAMES J. BULGER**, John V. Martorano, and others known and unknown to the grand jury, did commit an act involving murder, that is, aiding and abetting one another and being armed with dangerous weapons, did assault James O'Toole with the intent to murder him and did thereby kill and murder James O'Toole in violation of Section 1 of Chapter 265 and Section 2 of Chapter 274 of the Massachusetts General Laws.

RACKETEERING ACT NUMBER SIX
(Murder of Al Notorangeli)

22. On or about February 21, 1974, in the District of Massachusetts, the defendant **JAMES J. BULGER**, John V. Martorano,

and others known and unknown to the grand jury, did commit an act involving murder, that is, aiding and abetting one another and being armed with dangerous weapons, did assault Al Notorangeli with the intent to murder him and did thereby kill and murder Al Notorangeli in violation of Section 1 of Chapter 265 and Section 2 of Chapter 274 of the Massachusetts General Laws.

RACKETEERING ACT NUMBER SEVEN
(Murder of James Sousa)

23. The defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI** committed the following acts involving murder, the commission of any one of which constitutes the commission of Racketeering Act Number Seven:

A. Murder Conspiracy

24. In or about October 1974, in the District of Massachusetts, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, John V. Martorano, and others known and unknown to the grand jury, did commit an act involving murder, that is, did conspire together to murder James Sousa, in violation of Section 1 of Chapter 265 and Section 7 of Chapter 274 of the Massachusetts General Laws.

B. Murder

25. In or about October 1974, in the District of Massachusetts, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, John V. Martorano, and others known and unknown to the

grand jury, did commit an act involving murder, that is, aiding and abetting one another and being armed with a dangerous weapon, did assault James Sousa with the intent to murder him and did thereby kill and murder James Sousa in violation of Section 1 of Chapter 265 and Section 2 of Chapter 274 of the Massachusetts General Laws.

RACKETEERING ACT NUMBER EIGHT
(Murder of Paul McGonagle)

26. In or about November 1974, in the District of Massachusetts, the defendant **JAMES J. BULGER**, and others known and unknown to the grand jury, did commit an act involving murder, that is, aiding and abetting one another and being armed with dangerous weapons, did assault Paul McGonagle with the intent to murder him and did thereby kill and murder Paul McGonagle in violation of Section 1 of Chapter 265 and Section 2 of Chapter 274 of the Massachusetts General Laws.

RACKETEERING ACT NUMBER NINE
(Murder of Edward Connors)

27. On or about June 12, 1975, in the District of Massachusetts, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, John V. Martorano, and others known and unknown to the grand jury, did commit an act involving murder, that is, aiding and abetting one another and being armed with dangerous weapons, did assault Edward Connors with the intent to murder him and did thereby kill and murder Edward Connors in violation of Section 1

of Chapter 265 and Section 2 of Chapter 274 of the Massachusetts General Laws.

RACKETEERING ACT NUMBER TEN
(Murder of Thomas King)

28. The defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI** committed the following acts involving murder, the commission of any one of which constitutes the commission of Racketeering Act Number Ten:

A. Murder Conspiracy

29. In or about November 1975, in the District of Massachusetts and elsewhere, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, John V. Martorano, and others known and unknown to the grand jury, did commit an act involving murder, that is, did conspire together to murder Thomas King, in violation of Section 1 of Chapter 265 and Section 7 of Chapter 274 of the Massachusetts General Laws.

B. Murder

30. On or about November 5, 1975, in the District of Massachusetts, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, John V. Martorano, and others known and unknown to the grand jury, did commit an act involving murder, that is, aiding and abetting one another and being armed with dangerous weapons, did assault Thomas King with the intent to murder him and did thereby kill and murder Thomas King in violation of Section 1 of

Chapter 265 and Section 2 of Chapter 274 of the Massachusetts General Laws.

RACKETEERING ACT NUMBER ELEVEN
(Murder of Francis "Buddy" Leonard)

31. On or about November 6, 1975, in the District of Massachusetts, the defendant **JAMES J. BULGER**, and others known and unknown to the grand jury, did commit an act involving murder, that is, being armed with a dangerous weapon, did assault Francis "Buddy" Leonard with the intent to murder him and did thereby kill and murder Francis "Buddy" Leonard in violation of Section 1 of Chapter 265 and Section 2 of Chapter 274 of the Massachusetts General Laws.

RACKETEERING ACT NUMBER TWELVE
(Murder of Richard Castucci)

32. On or about December 30, 1976, in the District of Massachusetts, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, John V. Martorano, and others known and unknown to the grand jury, did commit an act involving murder, that is, aiding and abetting one another and being armed with a dangerous weapon, did assault Richard Castucci with the intent to murder him and did thereby kill and murder Richard Castucci in violation of Section 1 of Chapter 265 and Section 2 of Chapter 274 of the Massachusetts General Laws.

RACKETEERING ACT NUMBER THIRTEEN
(Murder of Roger Wheeler)

33. The defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI** committed the following acts involving murder, the commission of any one of which constitutes the commission of Racketeering Act Number Thirteen:

A. Murder Conspiracy

34. In or about May 1981, in the District of Massachusetts and elsewhere, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, John V. Martorano, Joseph McDonald, and others known and unknown to the grand jury, did commit an act involving murder, that is, did conspire together to murder Roger Wheeler, in violation of Section 1 of Chapter 265 and Section 7 of Chapter 274 of the Massachusetts General Laws.

B. Murder

35. On or about May 27, 1981, in the Northern District of Oklahoma, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, John V. Martorano, Joseph McDonald, and others known and unknown to the grand jury, did commit an act involving murder, that is, did unlawfully and with malice aforethought cause the death of Roger Wheeler, in violation of Section 701.7 of Title 21 and Section 432 of Title 22 of the Oklahoma Statutes.

RACKETEERING ACT NUMBER FOURTEEN
(Murder of Debra Davis)

36. In or about late 1981, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI** did commit an act involving murder, that is, aiding and abetting one another, did assault Debra Davis with the intent to murder her and did thereby kill and murder Debra Davis in violation of Section 1 of Chapter 265 and Section 2 of Chapter 274 of the Massachusetts General Laws.

RACKETEERING ACT NUMBER FIFTEEN
(Murder of Brian Halloran)

37. On or about May 11, 1982, in the District of Massachusetts, the defendant **JAMES J. BULGER**, and others known and unknown to the grand jury, did commit an act involving murder, that is, aiding and abetting one another and being armed with dangerous weapons, did assault Brian Halloran with the intent to murder him and did thereby kill and murder Brian Halloran in violation of Section 1 of Chapter 265 and Section 2 of Chapter 274 of the Massachusetts General Laws.

RACKETEERING ACT NUMBER SIXTEEN
(Murder of Michael Donahue)

38. On or about May 11, 1982, in the District of Massachusetts, the defendant **JAMES J. BULGER**, and others known and unknown to the grand jury, did commit an act involving murder, that is, aiding and abetting one another and being armed with dangerous weapons, did assault Michael Donahue with the intent to murder Brian Halloran and did thereby kill and murder

Michael Donahue in violation of Section 1 of Chapter 265 and Section 2 of Chapter 274 of the Massachusetts General Laws.

RACKETEERING ACT NUMBER SEVENTEEN
(Murder of John Callahan)

39. The defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI** committed the following acts involving murder, the commission of any one of which constitutes the commission of Racketeering Act Number Seventeen:

A. Murder Conspiracy

40. In or about and between June and August 1982, in the District of Massachusetts and elsewhere, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, John V. Martorano, Joseph McDonald, and others known and unknown to the grand jury, did commit an act involving murder, that is, did conspire together to murder John Callahan, in violation of Section 1 of Chapter 265 and Section 7 of Chapter 274 of the Massachusetts General Laws.

B. Murder

41. On or about August 1, 1982, in the Southern District of Florida and elsewhere, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, John V. Martorano, Joseph McDonald, and others known and unknown to the grand jury, did commit an act involving murder, that is, did unlawfully kill a human being, to wit, John Callahan, which killing was perpetrated from a premeditated

design to effect the death of a human being, in violation of Sections 782.04(1)(a) and 777.011 of the Florida Statutes.

RACKETEERING ACT NUMBER EIGHTEEN
(Murder of Arthur "Bucky" Barrett)

42. In or about August 1983, in the District of Massachusetts, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, and others known and unknown to the grand jury, did commit an act involving murder, that is, aiding and abetting one another and being armed with a dangerous weapon, did assault Arthur "Bucky" Barrett with the intent to murder him and did thereby kill and murder Arthur "Bucky" Barrett in violation of Section 1 of Chapter 265 and Section 2 of Chapter 274 of the Massachusetts General Laws.

RACKETEERING ACT NUMBER NINETEEN
(Murder of John McIntyre)

43. On or about November 30, 1984, in the District of Massachusetts, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, and others known and unknown to the grand jury, did commit an act involving murder, that is, aiding and abetting one another and being armed with a dangerous weapon, did assault John McIntyre with the intent to murder him and did thereby kill and murder John McIntyre in violation of Section 1 of Chapter 265 and Section 2 of Chapter 274 of the Massachusetts General Laws.

RACKETEERING ACT NUMBER TWENTY
(Murder of Deborah Hussey)

44. In or about early 1985, in the District of Massachusetts, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, and others known and unknown to the grand jury, did commit an act involving murder, that is, aiding and abetting one another, did assault Deborah Hussey with the intent to murder her and did thereby kill and murder Deborah Hussey in violation of Section 1 of Chapter 265 and Section 2 of Chapter 274 of the Massachusetts General Laws.

RACKETEERING ACT NUMBER TWENTY-ONE
(Extortion Conspiracy: "Rent")

45. From in or before 1979 and continuing until in or about 1996, both dates being approximate and inclusive, within the District of Massachusetts and elsewhere, the defendants

JAMES J. BULGER and
STEPHEN J. FLEMMI,

and others known and unknown to the grand jury, did knowingly and intentionally conspire to obtain property from persons known and unknown to the grand jury, including but not limited to the following individuals,

Paul Moore,
William Shea,
John Cherry,
Thomas Cahill,
John "Red" Shea,
Joseph Tower,
Anthony Attardo,
David Lindholm,
Richard O'Brien,
Richard "Jay" Johnson, and
Kevin Hayes,

who were engaged in unlawful activities, including illegal gambling, illegal money lending, and illegal trafficking in narcotics and other controlled substances, with their consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and to thereby obstruct, delay, and affect commerce and the movement of any article in commerce, in violation of Section 1951 of Title 18 of the United States Code.

46. It was part of the conspiracy that members and associates of the Bulger Group identified individuals engaged in illegal business in South Boston and elsewhere who were considered to be favorable targets for extortionate demands, based upon such factors as those individuals' own involvement in illegal activities, their possession of and access to large amounts of cash and other things of value to the Bulger Group, and their lack of prior affiliation with organized crime groups.

47. It was further part of the conspiracy that, while directly and indirectly communicating extortionate demands to targeted individuals, members and associates of the Bulger Group sometimes communicated to those targeted individuals, both directly and indirectly and at times by means of deception, threats of physical violence and other forms of reprisal against those individuals in the event they failed to meet the demands of members and associates of the Bulger Group.

48. It was further part of the conspiracy that, at the same time that direct and indirect threats were communicated to targeted individuals, members and associates of the Bulger Group sometimes offered enticements to targeted individuals, including but not limited to the prospects of protection by the Bulger Group and future opportunities for generating income through association with the Bulger Group, as a means of further inducing compliance with their extortionate demands.

49. It was further part of the conspiracy that, through words and actions, members and associates of the Bulger Group established, maintained, fostered, and sought advantage from a reputation for ruthlessness and violence in order to assist in inducing compliance with extortionate demands. In addition and for the same purpose, members and associates of the Bulger Group, through words and actions, established, maintained, fostered, and sought advantage from the knowledge, understanding and acceptance among persons engaged in illegal activities, including narcotics trafficking, loansharking and bookmaking, that so-called "rent" payments to members and associates of the Bulger Group were required in order to conduct those activities in the South Boston area and elsewhere without suffering reprisal at the hands of members and associates of the Bulger Group.

50. It was further part of the conspiracy that, at times, members and associates of the Bulger Group, in the presence of

targeted individuals, committed actual acts of violence, engaged in acts and discussions in preparation for the commission of acts of violence, and used and brandished firearms and other weapons in order to induce compliance with extortionate demands.

RACKETEERING ACT NUMBER TWENTY-TWO
(Extortion of Richard O'Brien)

51. From in or before 1980 and continuing until in or about 1993, both dates being approximate and inclusive, within the District of Massachusetts and elsewhere, the defendants

JAMES J. BULGER and
STEPHEN J. FLEMMI,

and others known and unknown to the grand jury, did knowingly and intentionally obtain property, to wit, United States currency from Richard O'Brien with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce, in violation of Sections 1951 and 2 of Title 18 of the United States Code.

RACKETEERING ACT NUMBER TWENTY-THREE
(Extortion of Kevin Hayes)

52. From in or before 1994 and continuing until in or about 1996, both dates being approximate and inclusive, within the District of Massachusetts, the defendant

JAMES J. BULGER,

and others known and unknown to the grand jury, did knowingly and intentionally obtain property, to wit, United States currency

from Kevin Hayes with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce, in violation of Sections 1951 and 2 of Title 18 of the United States Code.

RACKETEERING ACT NUMBER TWENTY-FOUR
(Extortion Conspiracy: "Fines")

53. From in or before 1980 and continuing until in or about 1990, both dates being approximate and inclusive, within the District of Massachusetts and elsewhere, the defendants

JAMES J. BULGER and
STEPHEN J. FLEMMI,

and others known and unknown to the grand jury, did knowingly and intentionally conspire to obtain property from persons known and unknown to the grand jury, including but not limited to the following individuals,

Michael Solimando,
Stephen Rakes,
Julie Rakes,
Richard Bucheri,
Raymond Slinger, and
Timothy Connolly,

who were engaged in a variety of commercial activities, including but not limited to real estate transactions and development, the operation of wholesale and retail liquor businesses, and the sale and brokering of insurance policies, with their consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and to thereby obstruct, delay, and

affect commerce and the movement of any article in commerce, in violation of Section 1951 of Title 18 of the United States Code.

54. It was part of the conspiracy that members and associates of the Bulger Group sought opportunities to extort money and other things of value from persons who were engaged in commercial activities in the South Boston area and elsewhere who were viewed as favorable targets for extortion based upon such factors as their access to large amounts of cash and other assets and the likelihood that they would be unable or unwilling to report being victims of extortion to law enforcement authorities.

55. It was further part of the conspiracy that members and associates of the Bulger Group arranged meetings with such individuals targeted for extortion at discrete locations where threats were conveyed directly and indirectly to these individuals. Locations where such meetings took place included, but were not limited to, Triple-O's Lounge, the South Boston Liquor Mart, and the Rotary Variety Store. At times, firearms were displayed, brandished, and otherwise used in the course of such meetings for the purpose of inducing compliance with extortionate demands.

RACKETEERING ACT NUMBER TWENTY-FIVE
(Extortion of Michael Solimando)

56. From in or about September 1982 and continuing until in or about February 1983, both dates being approximate and inclusive, within the District of Massachusetts and elsewhere, the defendants

**JAMES J. BULGER and
STEPHEN J. FLEMMI,**

and others known and unknown to the grand jury, did knowingly and intentionally obtain property, to wit, United States currency from Michael Solimando with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce, in violation of Sections 1951 and 2 of Title 18 of the United States Code.

RACKETEERING ACT NUMBER TWENTY-SIX
(Extortion of Stephen Rakes and Julie Rakes)

57. From in or before December 1983 and continuing until in or about May 1984, both dates being approximate and inclusive, within the District of Massachusetts and elsewhere, the defendant

JAMES J. BULGER,

and others known and unknown to the grand jury, did knowingly and intentionally obtain property, to wit, a business known as Stippo's Liquor Mart, a corporation known as Stippo's, Inc., and the right to purchase a parcel of real property located at 295

Old Colony Avenue, South Boston, Massachusetts, from Stephen Rakes and Julie Rakes with their consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce, in violation of Sections 1951 and 2 of Title 18 of the United States Code.

RACKETEERING ACT NUMBER TWENTY-SEVEN
(Extortion of Richard Bucheri)

58. In or about August and September 1986, within the District of Massachusetts and elsewhere, the defendants

**JAMES J. BULGER and
STEPHEN J. FLEMMI,**

and others known and unknown to the grand jury, did knowingly and intentionally obtain property, to wit, United States currency from Richard Bucheri with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce, in violation of Sections 1951 and 2 of Title 18 of the United States Code.

RACKETEERING ACT NUMBER TWENTY-EIGHT
(Extortion of Raymond Slinger)

59. In or about 1988, within the District of Massachusetts, the defendant

JAMES J. BULGER,

and others known and unknown to the grand jury, did, by a verbal communication, maliciously threaten an injury to the person of Raymond Slinger with intent thereby to extort a pecuniary advantage and with intent to compel Raymond Slinger to do an act against his will, in violation of Section 25 of Chapter 265 and Section 2 of Chapter 274 of the Massachusetts General Laws.

RACKETEERING ACT NUMBER TWENTY-NINE
(Narcotics Distribution Conspiracy)

60. From in or before 1980 and continuing until in or about 1990, both dates being approximate and inclusive, within the District of Massachusetts and elsewhere, the defendants

JAMES J. BULGER and
STEPHEN J. FLEMMI,

and others known and unknown to the grand jury, did knowingly and intentionally conspire to distribute and to possess with intent to distribute five kilograms or more of cocaine, a Schedule II narcotic drug controlled substance, and 1,000 kilograms or more of marihuana, a Schedule I drug controlled substance, in violation of Section 846 of Title 21 of the United States Code.

61. It was part of the conspiracy that members and associates of the Bulger Group engaged directly in the distribution of wholesale quantities of cocaine and marihuana in the South Boston area and elsewhere, the profits of which distribution were shared with other members and associates of the Bulger Group.

62. It was further part of the conspiracy that members and associates of the Bulger Group demanded and collected regular "rent" payments, and occasionally lump-sum "fines," from various individuals engaged in the wholesale and retail distribution of cocaine and marihuana in the South Boston area and elsewhere. These individuals made such payments, which were then shared among members of the Bulger Group, from proceeds generated by the distribution of cocaine and marihuana by those individuals. Those individuals included, but were not limited to, Joseph Murray, Michael Murray, Michael Caruana, Frank Lepere, David Lindholm, William Shea, Paul Moore, John "Red" Shea, Joseph Tower, John Cherry, and Hobart Willis.

RACKETEERING ACT NUMBER THIRTY
(Money Laundering Conspiracy)

63. From in or before 1984 and continuing until in or about August 1999, both dates being approximate and inclusive, within the District of Massachusetts and elsewhere, the defendants

JAMES J. BULGER and
STEPHEN J. FLEMMI,

and others known and unknown to the grand jury, knowing that the property involved represented the proceeds of some form of unlawful activity, did knowingly and intentionally conspire:

(1) to conduct financial transactions, affecting interstate and foreign commerce, which in fact involved the proceeds of extortion, in violation of Title 18, United States

Code, Section 1951, and Chapter 265, Section 25 of the Massachusetts General Laws, and distribution of narcotics and controlled substances, in violation of Title 21, United States Code, Section 841(a)(1), knowing that the transactions were designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of said extortion and distribution of narcotics and controlled substances; and

(2) to engage in monetary transactions affecting interstate and foreign commerce in criminally derived property that was of a value greater than \$10,000, said property having been derived from specified unlawful activity, that is, extortion in violation of Title 18, United States Code, Section 1951, and Chapter 265, Section 25 of the Massachusetts General Laws, and distribution of narcotics and controlled substances, in violation of Title 21, United States Code, Section 841(a)(1), in violation of Section 1956(h) of Title 18 of the United States Code.

64. It was part of the conspiracy that members and associates of the Bulger Group acquired, maintained, operated, purported to transfer, attempted to transfer, transferred, and controlled the following assets, among others: the real property located at 295 Old Colony Avenue, South Boston, Massachusetts; the corporations known as Stippo's, Inc. and the South Boston

Liquor Mart, Inc.; the business known, at various times, as Stippo's Liquor Mart, the South Boston Liquor Mart, and Columbia Wine and Spirits; the real property located at 309-325 Old Colony Avenue, South Boston, Massachusetts; the business known as the Rotary Variety Store; the corporation known as Rotary Variety Store, Inc.; and the real property located at 337 West Fourth Street, South Boston, Massachusetts.

65. It was further part of the conspiracy that members and associates of the Bulger Group used extortion and income generated from the criminal activities of the Bulger Group, including income from the collection of extortion or "rent" payments and the distribution of narcotics and controlled substances, to acquire, maintain, operate, and control all or parts of the assets described in paragraph 64 above.

66. It was further part of the conspiracy that members and associates of the Bulger Group conducted financial transactions involving the assets described in paragraph 64 above that were designed, in part, to create the appearance of legitimacy in the relationships between those assets and members and associates of the Bulger Group, to facilitate the control of, and acquisition of income from, those assets by members and associates of the Bulger Group, and to disguise their true relationships to those assets and that the assets had been obtained, maintained, and

operated through extortion and with the proceeds of extortion and other racketeering activities.

67. It was further part of the conspiracy that members and associates of the Bulger Group used the assets described in paragraph 64 above as bases for some of the criminal activities of the Bulger Group and as sources of documentable and seemingly non-criminal income, such as wages and salary, mortgage and rent payments, and income from sales of the assets.

OVERT ACTS

68. In furtherance of the conspiracy and to effect the objectives thereof, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, and others, did commit and cause to be committed the following overt acts:

a. In or about January 1984, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, Kevin J. Weeks, and others, acquired a business known as Stippo's Liquor Mart, its inventory, and the option to purchase 295 Old Colony Avenue for cash which included proceeds of extortion and other racketeering activities of the Bulger Group.

b. On or about January 26, 1984, the defendant **JAMES J. BULGER**, Kevin J. Weeks, and others, caused to be executed a stock purchase agreement whereby ownership of the corporation known as Stippo's, Inc., was transferred from Stephen Rakes and

Julie Rakes to Kevin J. Weeks and which falsely represented the consideration paid for that transfer of ownership.

c. From in or about 1984 and continuing until in or about 1986, the defendant **JAMES J. BULGER**, Kevin J. Weeks, and others, in various amounts and at various times, used cash proceeds of racketeering activities, including extortion and drug distribution, for the purpose of maintaining and operating the liquor business located at 295 Old Colony Avenue.

d. On or about September 4, 1985, Kevin P. O'Neil, Kevin J. Weeks, and others, created the "Three Hundred Nine Old Colony Avenue Trust," of which O'Neil and Weeks were trustees, for the purpose of purchasing the real property located at 309-325 Old Colony Avenue, South Boston, Massachusetts.

e. On or about September 4, 1985, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, Kevin P. O'Neil, Kevin J. Weeks, and others, purchased the real property located at 309-325 Old Colony Avenue, South Boston, Massachusetts for approximately \$210,000 including a down payment of approximately \$20,000, to which **BULGER**, **FLEMMI**, O'Neil and Weeks each contributed approximately \$5,000 and which included proceeds of extortion and other racketeering activities of the Bulger Group.

f. On or about October 16, 1985, the defendant **JAMES J. BULGER**, Kevin P. O'Neil, and others, caused the sale of the real property located at 337 West Fourth Street, South Boston,

Massachusetts, which O'Neil had purchased in approximately 1979 for approximately \$13,000, to **BULGER** for approximately \$30,000, approximately \$25,000 of which was financed by a mortgage granted by **BULGER** directly to O'Neil and secured by the real property.

g. On or about May 16, 1986, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, Kevin J. Weeks, and others, caused the sale of 295 Old Colony Avenue from Kevin J. Weeks to **BULGER**, Mary Flemmi, mother of **FLEMMI** and nominal owner on behalf of **FLEMMI**, and Weeks as joint one-third owners.

h. On or about May 20, 1986, Kevin J. Weeks, and others, caused to be executed a stock transfer agreement whereby ownership of the business known as the South Boston Liquor Mart was transferred from Weeks to the Kevin P. O'Neil and Gordon F. McIntyre for \$300,000, which proceeds were shared among the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, and Kevin J. Weeks.

i. On or about October 31, 1986, the defendant **JAMES J. BULGER**, and others, caused the sale of the real property located at 337 West Fourth Street, South Boston, Massachusetts, which **BULGER** had purchased from Kevin P. O'Neil in 1985 for approximately \$30,000, from **BULGER** to Barbara A. Buckley for approximately \$150,000.

j. On or about January 12, 1987, the defendant **JAMES J. BULGER** and Kevin P. O'Neil, and others, caused the discharge of the mortgage granted to O'Neil by **BULGER** on or about October 16, 1985 and secured by the real property located at 337 West Fourth Street, South Boston, Massachusetts.

k. In or about and between 1986 and 1989, Kevin P. O'Neil, and others, made monthly rent payments for occupancy of the real property located at 295 Old Colony Avenue to the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, in the person of his mother Mary Flemmi, and Kevin J. Weeks.

l. In or about 1989, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI** and Kevin J. Weeks, and others, caused the sale of 295 Old Colony Avenue from **BULGER**, Weeks, and Mary Flemmi to **BULGER** as sole owner, in exchange for payments by **BULGER** of approximately \$100,000 each, which included proceeds of extortion and other racketeering activities of the Bulger Group, to **FLEMMI** and Weeks.

m. On or about November 10, 1989, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, Kevin J. Weeks, and others, caused the sale of the Rotary Variety Store Company, Inc. for approximately \$75,000, which proceeds were shared among the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI** and Kevin J. Weeks.

n. On or about December 8, 1989, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, Kevin P. O'Neil, Kevin J. Weeks, and others, caused the sale of 295 Old Colony Avenue from **BULGER** to the Shamrock Realty Trust, of which Kevin P. O'Neil and Gordon F. McIntyre were trustees, in exchange for \$400,000.

o. On or about December 8, 1989, the defendant **JAMES J. BULGER** and Kevin P. O'Neil, and others, caused to be issued a mortgage in the amount of \$400,000 and secured by the real property at 295 Old Colony Avenue, pursuant to which the Shamrock Realty Trust agreed to make monthly payments to **BULGER**.

p. On or about and between January 1990 and March 1997, Kevin P. O'Neil, and others, through the Shamrock Realty Trust, made monthly mortgage payments to the defendant **JAMES J. BULGER** in the amount of approximately \$4672.90 each.

q. From in or before 1984 and continuing until in or about 1990, Kevin P. O'Neil, Gordon F. McIntyre, Kevin J. Weeks, and others, caused wages and salary to be paid to the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, Kevin J. Weeks, and others, by the entity doing business at 295 Old Colony Avenue.

r. From in or before 1986 and continuing until or about 1989, Kevin J. Weeks, and others, caused wages and salary to be paid to the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI** by the entity doing business at 309-325 Old Colony Avenue.

s. On or about March 15, 1994, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, Kevin P. O'Neil, Kevin J. Weeks, and others, caused the sale of the real property located at 309-325 Old Colony Avenue in exchange for approximately \$375,000, the proceeds of which were shared among **BULGER**, **FLEMMI**, O'Neil, and Weeks.

RACKETEERING ACT NUMBER THIRTY-ONE
(Money Laundering)

69. In or about 1989, within the District of Massachusetts, the defendants

JAMES J. BULGER and
STEPHEN J. FLEMMI,

and others known and unknown to the grand jury, knowing that the property involved in a financial transaction, to wit, 295 Old Colony Avenue, South Boston, Massachusetts, represented the proceeds of some form of unlawful activity, did knowingly and intentionally conduct a financial transaction, to wit, the sale of 295 Old Colony Avenue, South Boston, Massachusetts from the defendant **JAMES J. BULGER**, Mary Flemmi, and Kevin J. Weeks to **JAMES J. BULGER**, affecting interstate and foreign commerce, which in fact involved the proceeds of a specified unlawful activity, that is, extortion in violation of Title 18, United States Code, Section 1951, and Chapter 265, Section 25 of the Massachusetts General Laws, and distribution of narcotics and controlled substances, in violation of Title 21, United States Code, Section

841(a)(1), knowing that the transaction was designed in whole or in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of said specified unlawful activity, in violation of Sections 1956(a)(1)(B)(i) and 2 of Title 18 of the United States Code.

RACKETEERING ACT NUMBER THIRTY-TWO
(Money Laundering)

70. The defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI** committed the following money laundering offenses, the commission of any one of which constitutes the commission of Racketeering Act Number Thirty-Two:

Racketeering Act 32(A)

71. On or about December 8, 1989, within the District of Massachusetts, the defendants

JAMES J. BULGER and
STEPHEN J. FLEMMI,

and others known and unknown to the grand jury, knowing that the property involved in a financial transaction, to wit, 295 Old Colony Avenue, South Boston, Massachusetts, represented the proceeds of some form of unlawful activity, did knowingly and intentionally conduct a financial transaction, to wit, the sale of 295 Old Colony Avenue, South Boston, Massachusetts for \$400,000, affecting interstate and foreign commerce, which in fact involved the proceeds of a specified unlawful activity, that is, extortion in violation of Title 18, United States Code,

Section 1951 and Chapter 265, Section 25 of the Massachusetts General Laws, and distribution of narcotics and controlled substances, in violation of Title 21, United States Code, Section 841(a)(1), knowing that the transaction was designed in whole or in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of said specified unlawful activity, in violation of Sections 1956(a)(1)(B)(i) and 2 of Title 18 of the United States Code.

Racketeering Acts 32(B) - 32(PPP)

72. On or about the dates indicated below, within the District of Massachusetts and elsewhere, the defendant

JAMES J. BULGER,

and others known and unknown to the grand jury, knowing that the properties involved in the financial transactions set forth below, to wit, certain real property and the proceeds of a liquor business, represented the proceeds of some form of unlawful activity, did knowingly and intentionally conduct financial transactions, to wit, mortgage payments, affecting interstate and foreign commerce, which in fact involved the proceeds of a specified unlawful activity, that is, extortion in violation of Title 18, United States Code, Section 1951, and Chapter 265, Section 25 of the Massachusetts General Laws, and distribution of narcotics and controlled substances, in violation of Title 21, United States Code, Section 841(a)(1), knowing that the

transactions were designed in whole or in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of said specified unlawful activity, in violation of Sections 1956(a)(1)(B)(i) and 2 of Title 18 of the United States Code.

RACK'G ACT NO.	CHECK NO.	DEPOSIT DATE	PAYEE	AMOUNT OF TRANSACTION
32 (B)	Unnumbered	01/12/90	JAMES J. BULGER	\$4,672.96
32 (C)	101	02/09/90	JAMES J. BULGER	\$4,672.96
32 (D)	102	03/12/90	JAMES J. BULGER	\$4,672.96
32 (E)	103	04/19/90	JAMES J. BULGER	\$4,672.96
32 (F)	104	05/11/90	JAMES J. BULGER	\$4,672.96
32 (G)	109	08/15/90	JAMES J. BULGER	\$4,672.90
32 (H)	115	10/15/90	JAMES J. BULGER	\$4,672.90
32 (I)	118	12/13/90	JAMES J. BULGER	\$4,672.90
32 (J)	123	02/14/91	JAMES J. BULGER	\$4,672.90
32 (K)	128	05/10/91	JAMES J. BULGER	\$4,672.90
32 (L)	131	08/08/91	JAMES J. BULGER	\$4,672.90
32 (M)	142	12/11/91	JAMES J. BULGER	\$4,672.90
32 (N)	144	01/10/92	JAMES J. BULGER	\$4,672.90
32 (O)	146	02/07/92	JAMES J. BULGER	\$4,672.90
32 (P)	148	03/10/92	JAMES J. BULGER	\$4,672.90
32 (Q)	151	04/09/92	JAMES J. BULGER	\$4,672.90
32 (R)	153	05/14/92	JAMES J. BULGER	\$4,672.90
32 (S)	156	06/11/92	JAMES J. BULGER	\$4,672.90
32 (T)	160	07/10/92	JAMES J. BULGER	\$4,672.90
32 (U)	161	08/12/92	JAMES J. BULGER	\$4,672.90
32 (V)	164	09/11/92	JAMES J. BULGER	\$4,672.90

RACK' G ACT NO.	CHECK NO.	DEPOSIT DATE	PAYEE	AMOUNT OF TRANSACTION
32 (W)	168	10/13/92	JAMES J. BULGER	\$4,672.90
32 (X)	170	11/13/92	JAMES J. BULGER	\$4,672.90
32 (Y)	173	12/11/92	JAMES J. BULGER	\$4,672.90
32 (Z)	176	01/12/93	JAMES J. BULGER	\$4,672.90
32 (AA)	178	02/12/93	JAMES J. BULGER	\$4,672.90
32 (BB)	181	03/11/93	JAMES J. BULGER	\$4,672.90
32 (CC)	182	04/14/93	JAMES J. BULGER	\$4,672.90
32 (DD)	185	05/17/93	JAMES J. BULGER	\$4,672.90
32 (EE)	187	06/09/93	JAMES J. BULGER	\$4,672.90
32 (FF)	189	07/09/93	JAMES J. BULGER	\$4,672.90
32 (GG)	190	08/16/93	JAMES J. BULGER	\$4,672.90
32 (HH)	194	09/22/93	JAMES J. BULGER	\$4,672.90
32 (II)	195	10/13/93	JAMES J. BULGER	\$4,672.90
32 (JJ)	198	11/17/93	JAMES J. BULGER	\$4,672.90
32 (KK)	200	12/13/93	JAMES J. BULGER	\$4,672.90
32 (LL)	203	01/12/94	JAMES J. BULGER	\$4,672.90
32 (MM)	204	02/14/94	JAMES J. BULGER	\$4,672.90
32 (NN)	207	03/14/94	JAMES J. BULGER	\$4,672.90
32 (OO)	210	04/14/94	JAMES J. BULGER	\$4,672.90
32 (PP)	213	05/12/94	JAMES J. BULGER	\$4,672.90
32 (QQ)	216	06/10/94	JAMES J. BULGER	\$4,672.90
32 (RR)	221	07/09/94	JAMES J. BULGER	\$4,672.90
32 (SS)	223	08/17/94	JAMES J. BULGER	\$4,672.90
32 (TT)	226	09/16/94	JAMES J. BULGER	\$4,672.90
32 (UU)	228	10/27/94	JAMES J. BULGER	\$4,672.90
32 (VV)	231	11/18/94	JAMES J. BULGER	\$4,672.90

RACK' G ACT NO.	CHECK NO.	DEPOSIT DATE	PAYEE	AMOUNT OF TRANSACTION
32 (WW)	233	12/12/94	JAMES J. BULGER	\$4,672.90
32 (XX)	238	03/30/95	JAMES J. BULGER	\$4,672.90
32 (YY)	239	04/20/95	JAMES J. BULGER	\$4,672.90
32 (ZZ)	243	06/14/95	JAMES J. BULGER	\$4,672.90
32 (AAA)	245	07/21/95	JAMES J. BULGER	\$4,672.90
32 (BBB)	250	11/30/95	JAMES J. BULGER	\$4,672.90
32 (CCC)	252	01/12/96	JAMES J. BULGER	\$4,672.90
32 (DDD)	253	01/12/96	JAMES J. BULGER	\$4,672.90
32 (EEE)	255	02/16/96	JAMES J. BULGER	\$4,672.90
32 (FFF)	256	02/17/96	JAMES J. BULGER	\$4,672.90
32 (GGG)	260	05/10/96	JAMES J. BULGER	\$4,672.90
32 (HHH)	261	05/13/96	JAMES J. BULGER	\$4,672.90
32 (III)	264	06/20/96	JAMES J. BULGER	\$4,672.90
32 (JJJ)	265	06/20/96	JAMES J. BULGER	\$4,672.90
32 (KKK)	266	06/20/96	JAMES J. BULGER	\$4,672.90
32 (LLL)	268	07/15/96	JAMES J. BULGER	\$4,672.90
32 (MMM)	269	07/20/96	JAMES J. BULGER	\$4,672.90
32 (NNN)	270	08/15/96	JAMES J. BULGER	\$4,672.90
32 (OOO)	278	01/06/97	JAMES J. BULGER	\$4,672.90
32 (PPP)	281	03/20/97	JAMES J. BULGER	\$4,672.90

RACKETEERING ACT NUMBER THIRTY-THREE
(Money Laundering)

73. In or about July 1996, within the District of
Massachusetts and elsewhere, the defendants

JAMES J. BULGER and

STEPHEN J. FLEMMI,

and others known and unknown to the grand jury, knowing that the property involved in a financial transaction, to wit, approximately \$10,000 cash, represented the proceeds of some form of unlawful activity, did knowingly and intentionally conduct a financial transaction, to wit, the transfer of approximately \$10,000 cash for use by John V. Martorano, affecting interstate and foreign commerce, which in fact involved the proceeds of a specified unlawful activity, that is, extortion in violation of Title 18, United States Code, Section 1951, and Chapter 265, Section 25 of the Massachusetts General Laws, and distribution of narcotics and controlled substances, in violation of Title 21, United States Code, Section 841(a)(1), knowing that the transaction was designed in whole or in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of said specified unlawful activity, and with intent to promote the carrying on of said specified unlawful activity, in violation of Sections 1956(a)(1)(A)(i), 1956(a)(1)(B)(i) and 2 of Title 18 of the United States Code.

RACKETEERING ACT NUMBER THIRTY-FOUR
(Extortionate Collection of Credit)

74. From in or about 1992 and continuing until in or about 1997, within the District of Massachusetts and elsewhere, the defendant

STEPHEN J. FLEMMI,

and others known and unknown to the grand jury, did knowingly and intentionally participate in the use of extortionate means to collect and attempt to collect extensions of credit made to Al Sapochetti in the amount of approximately \$33,000, in violation of Sections 894(a) and 2 of Title 18 of the United States Code.

RACKETEERING ACT NUMBER THIRTY-FIVE
(Obstruction of Justice)

75. From in or about 1993 and continuing until in or about November 1995, both dates being approximate and inclusive, within the District of Massachusetts and elsewhere, the defendant

STEPHEN J. FLEMMI,

and others known and unknown to the grand jury, did corruptly endeavor to influence, obstruct, and impede the due administration of justice, to wit, did knowingly and intentionally attempt to influence and influence the potential and actual testimony of Richard O'Brien, with intent to obstruct and impede a United States grand jury investigating members and associates of the Bulger Group, in violation of Sections 1503 and 2 of Title 18 of the United States Code.

RACKETEERING ACT NUMBER THIRTY-SIX
(Obstruction of Justice)

76. On or about August 20 and 28, 1998, within the District of Massachusetts, the defendant

STEPHEN J. FLEMMI,

and others known and unknown to the grand jury, did corruptly endeavor to influence, obstruct, and impede the due administration of justice in that the defendant **STEPHEN J. FLEMMI** did knowingly and willfully make false and misleading declarations before the United States District Court with intent to obstruct and impede the prosecution of the case of United States v. Stephen J. Flemmi, Criminal Docket Number 94-10287-MLW, in violation of Sections 1503 and 2 of Title 18 of the United States Code.

77. At the times and place stated above, the defendant **STEPHEN J. FLEMMI**, and others, corruptly endeavored to influence, obstruct, and impede the due administration of justice by the means and in the manner stated below:

a. In or about 1997 and 1998, the United States District Court for the District of Massachusetts was conducting pretrial hearings in the case of United States v. Stephen J. Flemmi, Criminal Docket Number 94-10287-MLW. These hearings concerned, among other things, **FLEMMI's** claim that the case should be dismissed because he was immune from prosecution. **FLEMMI's** immunity claim was based, among other things, on his claim that the conduct of certain agents of the Federal Bureau of Investigation in protecting him from prosecution amounted to a grant of immunity.

b. **FLEMMI** testified in support of his motion to dismiss in or about August and September 1998. **FLEMMI** gave false and misleading testimony that was designed, among other things, to shield his corrupt relationship with former Federal Bureau of Investigation Special Agent John J. Connolly and to falsely attribute acts that were corrupt and intended to assist **FLEMMI** to other agents of the Federal Bureau of Investigation. For example, **FLEMMI** falsely testified, in substance, that Federal Bureau of Investigation Special Agent John Morris had warned **FLEMMI** and **BULGER** in approximately December 1994 and January 1995 that **FLEMMI** and **BULGER** were about to be indicted and arrested. In fact, former Federal Bureau of Investigation Special Agent John J. Connolly had provided that warning to **FLEMMI**. **FLEMMI** coordinated with Connolly prior to **FLEMMI's** testimony regarding the substance of **FLEMMI's** testimony and **FLEMMI's** subsequent false and misleading testimony included, but was not limited to, the following:

(1) On August 20, 1998:

Defense Attorney Fishman: Did you receive some advance notice of this indictment?

STEPHEN FLEMMI: That's the big question, I guess. Yes.

Defense Attorney Fishman: And when did you receive advance notice?

STEPHEN FLEMMI: That information, when?

Defense Attorney Fishman: When?

STEPHEN FLEMMI: About a week prior to the indictment coming down.

Defense Attorney Fishman: And what was -- from whom did you hear that the -- what did you hear?

STEPHEN FLEMMI: What I heard, I got the information from Jim Bulger, who got the information from John Morris.

Defense Attorney Fishman: What did he say to you?

STEPHEN FLEMMI: He said that the indictments were coming down within a short period of time, within I believe a week or so, and that information, what he told me, was a memo from Washington that the indictments were there, and they were going to be coming down in a week.

Defense Attorney Fishman: Well, how do you know it was Morris?

STEPHEN FLEMMI: Jim Bulger told me.

Defense Attorney Fishman: What did he say?

STEPHEN FLEMMI: He told me Morris contacted him and told him the indictments were coming down; they were coming down within a week. And they came down within a week. At least I got arrested within a week - a week later.

(2) On August 28, 1998:

FLEMMI testified: "I'm saying that the indictment come down or the information, whatever it was that come down, I had information from Jim Bulger that the indictment come down - was coming down. I think it was a cross (sic) memo or a memo in

Washington, and he had become aware of it. John Morris made him aware of it. He called me and made me aware of it."

RACKETEERING ACT NUMBER THIRTY-SEVEN
(Evidence Tampering and Obstruction of Justice)

78. The defendant **STEPHEN J. FLEMMI** committed the following acts involving evidence tampering and obstruction of justice, the commission of any one of which constitutes the commission of Racketeering Act Number Thirty-Seven:

A. Evidence Tampering

79. In or about January 2000, within the District of Massachusetts, the defendant

STEPHEN J. FLEMMI,

and others known and unknown to the grand jury, did corruptly persuade another person, to wit, **MICHAEL S. FLEMMI** and others, with intent to cause and induce such person to alter and conceal objects, to wit, a large quantity of firearms stored in and removed from the vicinity of 832 East Third Street, South Boston, Massachusetts, with intent to impair those objects' integrity and availability for use in an official proceeding, to wit, a federal grand jury investigation and federal criminal prosecution of members and associates of the Bulger Group, in violation of Sections 1512(b)(2)(B) and 2 of Title 18 of the United States Code.

B. Obstruction of Justice

80. In or about January 2000, within the District of Massachusetts, the defendant

STEPHEN J. FLEMMI,

and others known and unknown to the grand jury, did corruptly endeavor to influence, obstruct, and impede the due administration of justice, to wit, did knowingly and intentionally cause to be removed and remove a large quantity of firearms from the vicinity of 832 East Third Street, South Boston, Massachusetts in order to prevent their recovery and seizure by law enforcement officers and with intent to obstruct and impede a United States grand jury investigating members and associates of the Bulger Group, in violation of Sections 1503 and 2 of Title 18 of the United States Code.

All in violation of Title 18, United States Code, Section 1962(d).

COUNT TWO
(Racketeering)

81. From in or before 1972 and continuing until in or about 2000, both dates being approximate and inclusive, within the District of Massachusetts and elsewhere, the defendants

JAMES J. BULGER and
STEPHEN J. FLEMMI,

and others known and unknown to the grand jury, being persons employed by and associated with the Bulger Group described above, which was an enterprise engaged in, and the activities of which affected, interstate and foreign commerce, did knowingly and intentionally conduct and participate, directly and indirectly, in the conduct of the affairs of the Bulger Group through a pattern of racketeering activity, as that term is defined by Title 18, United States Code, Sections 1961(1) and 1961(5).

82. The allegations of Paragraphs 1 through 14 of this Superseding Indictment and Racketeering Acts One through Thirty-Seven, as set forth in Paragraphs 17 through 80 of this Superseding Indictment, are hereby realleged and incorporated as if fully set forth herein. As set forth in paragraphs 17 through 80 of this Superseding Indictment, each defendant conducted and participated, directly and indirectly, in the conduct of the affairs of the enterprise through a pattern of racketeering activity as follows:

a. The defendant **JAMES J. BULGER** conducted and participated in the conduct of the affairs of the enterprise by committing the following acts of racketeering:

(1) Racketeering Acts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 relating to murder;

(2) Racketeering Acts 21, 22, 23, 24, 25, 26, 27, and 28 relating to extortion;

(3) Racketeering Act 29 relating to drug distribution; and

(4) Racketeering Acts 30, 31, 32, and 33 relating to money laundering.

b. The defendant **STEPHEN J. FLEMMI** conducted and participated in the conduct of the affairs of the enterprise by committing the following acts of racketeering:

(1) Racketeering Acts 7, 9, 10, 12, 13, 14, 17, 18, 19, and 20 relating to murder;

(2) Racketeering Acts 21, 22, 24, 25, and 27 relating to extortion;

(3) Racketeering Act 29 relating to drug distribution;

(4) Racketeering Acts 30, 31, 32, and 33 relating to money laundering;

(5) Racketeering Act 34 relating to extortionate collection of credit; and

(6) Racketeering Acts 35, 36, and 37 relating to evidence tampering and obstruction of justice.

All in violation of Title 18, United States Code, Section 1962(c).

COUNT THREE
(Extortion Conspiracy: "Rent")

83. The allegations of paragraphs 1 through 14 of this Superseding Indictment are hereby realleged and incorporated as if fully set forth herein.

84. From in or before 1979 and continuing until in or about 1996, both dates being approximate and inclusive, within the District of Massachusetts and elsewhere, the defendants

JAMES J. BULGER and
STEPHEN J. FLEMMI,

and others known and unknown to the grand jury, did knowingly and intentionally conspire to obtain property from persons known and unknown to the grand jury, including but not limited to the following individuals,

Paul Moore,
William Shea,
John Cherry,
Thomas Cahill,
John "Red" Shea,
Joseph Tower,
Anthony Attardo,
David Lindholm,
Richard O'Brien,
Richard "Jay" Johnson, and
Kevin Hayes,

who were engaged in unlawful activities, including illegal gambling, illegal money lending, and illegal trafficking in narcotics and other controlled substances, with their consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and to thereby obstruct,

delay, and affect commerce and the movement of any article in commerce.

85. It was part of the conspiracy that the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, and others known and unknown to the grand jury, did commit and cause to be committed those acts and engaged in that conduct described in paragraphs 46 through 50 of this Superseding Indictment, which are hereby realleged and incorporated as if fully set forth herein.

All in violation of Title 18, United States Code, Section 1951.

COUNT FOUR
(Extortion of Kevin Hayes)

86. From in or before 1994 and continuing until in or about 1996, both dates being approximate and inclusive, within the District of Massachusetts, the defendant

JAMES J. BULGER,

and others known and unknown to the grand jury, did knowingly and intentionally obtain property, to wit, United States currency from Kevin Hayes with his consent, which consent was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby did obstruct, delay, and affect commerce and the movement of any article in commerce.

All in violation of Title 18, United States Code, Sections 1951 and 2.

COUNT FIVE
(Money Laundering Conspiracy)

87. The allegations of paragraphs 1 through 14 of this Superseding Indictment are hereby realleged and incorporated as if fully set forth herein.

88. From in or before 1984 and continuing until in or about August 1999, both dates being approximate and inclusive, within the District of Massachusetts and elsewhere, the defendants

JAMES J. BULGER and
STEPHEN J. FLEMMI,

and others known and unknown to the grand jury, knowing that the property involved represented the proceeds of some form of unlawful activity, did knowingly and intentionally conspire:

(1) to conduct financial transactions, affecting interstate and foreign commerce, which in fact involved the proceeds of extortion, in violation of Title 18, United States Code, Section 1951, and Chapter 265, Section 25 of the Massachusetts General Laws, and distribution of narcotics and controlled substances, in violation of Title 21, United States Code, Section 841(a)(1), knowing that the transactions were designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of said extortion and distribution of narcotics and controlled substances, and

(2) to engage in monetary transactions affecting interstate and foreign commerce in criminally derived property that was of a value greater than \$10,000, said property having been derived from specified unlawful activity, that is, extortion in violation of Title 18, United States Code, Section 1951, and Chapter 265, Section 25 of the Massachusetts General Laws, and distribution of narcotics and controlled substances, in violation of Title 21, United States Code, Section 841(a)(1), in violation of Section 1956(h) of Title 18 of the United States Code.

89. It was part of the conspiracy that the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, and others known and unknown to the grand jury, did commit and cause to be committed those acts and engaged in that conduct described in paragraphs 64 through 68 of this Superseding Indictment, which are hereby realleged and incorporated as if fully set forth herein.

All in violation of Title 18, United States Code, Section 1956(h).

COUNTS SIX THROUGH TWENTY-SIX
(Money Laundering)

90. On or about the dates indicated below, within the District of Massachusetts and elsewhere, the defendant

JAMES J. BULGER,

and others known and unknown to the grand jury, knowing that the properties involved in the financial transactions set forth below, to wit, certain real property and the proceeds of a liquor business, represented the proceeds of some form of unlawful activity, did knowingly and intentionally conduct financial transactions, to wit, mortgage payments, affecting interstate and foreign commerce, which in fact involved the proceeds of a specified unlawful activity, that is, extortion in violation of Title 18, United States Code, Section 1951, and Chapter 265, Section 25 of the Massachusetts General Laws, and distribution of narcotics and controlled substances, in violation of Title 21, United States Code, Section 841(a)(1), knowing that the transactions were designed in whole or in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of said specified unlawful activity, in violation of Sections 1956(a)(1)(B)(i) and 2 of Title 18 of the United States Code.

COUNT NO.	CHECK NO.	DATE OF DEPOSIT	PAYEE	AMOUNT OF TRANSACTION
6	231	11/18/94	JAMES J. BULGER	\$4,672.90
7	233	12/12/94	JAMES J. BULGER	\$4,672.90
8	238	03/30/95	JAMES J. BULGER	\$4,672.90
9	239	04/20/95	JAMES J. BULGER	\$4,672.90
10	243	06/14/95	JAMES J. BULGER	\$4,672.90
11	245	07/21/95	JAMES J. BULGER	\$4,672.90
12	250	11/30/95	JAMES J. BULGER	\$4,672.90
13	252	01/12/96	JAMES J. BULGER	\$4,672.90
14	253	01/12/96	JAMES J. BULGER	\$4,672.90
15	255	02/16/96	JAMES J. BULGER	\$4,672.90
16	256	02/17/96	JAMES J. BULGER	\$4,672.90
17	260	05/10/96	JAMES J. BULGER	\$4,672.90
18	261	05/13/96	JAMES J. BULGER	\$4,672.90
19	264	06/20/96	JAMES J. BULGER	\$4,672.90
20	265	06/20/96	JAMES J. BULGER	\$4,672.90
21	266	06/20/96	JAMES J. BULGER	\$4,672.90
22	268	07/15/96	JAMES J. BULGER	\$4,672.90
23	269	07/20/96	JAMES J. BULGER	\$4,672.90
24	270	08/15/96	JAMES J. BULGER	\$4,672.90
25	278	01/06/97	JAMES J. BULGER	\$4,672.90
26	281	03/20/97	JAMES J. BULGER	\$4,672.90

All in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

COUNT TWENTY-SEVEN
(Money Laundering)

91. In or about July 1996, within the District of Massachusetts and elsewhere, the defendants

JAMES J. BULGER and
STEPHEN J. FLEMMI,

and others known and unknown to the grand jury, knowing that the property involved in a financial transaction, to wit, approximately \$10,000 cash, represented the proceeds of some form of unlawful activity, did knowingly and intentionally conduct a financial transaction, to wit, the transfer of approximately \$10,000 cash for use by John V. Martorano, affecting interstate and foreign commerce, which in fact involved the proceeds of a specified unlawful activity, that is, extortion in violation of Title 18, United States Code, Section 1951, and Chapter 265, Section 25 of the Massachusetts General Laws, and distribution of narcotics and controlled substances, in violation of Title 21, United States Code, Section 841(a)(1), knowing that the transaction was designed in whole or in part to conceal and disguise the nature, the location, the source, the ownership, and the control of the proceeds of said specified unlawful activity, and with intent to promote the carrying on of said specified unlawful activity, in violation of Sections 1956(a)(1)(A)(i), 1956(a)(1)(B)(i) and 2 of Title 18 of the United States Code.

COUNT TWENTY-EIGHT
(Extortionate Collection of Credit)

92. From in or about 1992 and continuing until in or about 1997, within the District of Massachusetts and elsewhere, the defendant

STEPHEN J. FLEMMI,

and others known and unknown to the grand jury, did knowingly and intentionally participate in the use of extortionate means to collect and attempt to collect extensions of credit made to Al Sapochetti in the amount of approximately \$33,000.

All in violation of Title 18, United States Code, Sections 894(a) and 2.

COUNT TWENTY-NINE
(Obstruction of Justice)

93. From in or about 1993 and continuing until in or about November 1995, both dates being approximate and inclusive, within the District of Massachusetts and elsewhere, the defendant

STEPHEN J. FLEMMI,

and others known and unknown to the grand jury, did corruptly endeavor to influence, obstruct, and impede the due administration of justice, to wit, did knowingly and intentionally attempt to influence and influence the potential and actual testimony of Richard O'Brien, with intent to obstruct and impede a United States grand jury investigating members and associates of the Bulger Group.

All in violation of Title 18, United States Code, Sections 1503 and 2.

COUNT THIRTY
(Perjury)

94. On or about August 20 and 28, 1998, within the District of Massachusetts, the defendant

STEPHEN J. FLEMMI,

while testifying under oath in a proceeding before a court of the United States in the District of Massachusetts, knowingly did make a false material declaration as set forth in paragraphs 95 through 97 of this Superseding Indictment.

95. At the times and place stated above, the United States District Court for the District of Massachusetts was conducting pretrial hearings in the case of United States v. Stephen J. Flemmi, Criminal Docket Number 94-10287-MLW. These hearings concerned, among other things, **FLEMMI's** claim that the case should be dismissed because he was immune from prosecution. **FLEMMI's** immunity claim was based, among other things, on his claim that the conduct of certain agents of the Federal Bureau of Investigation in protecting him from prosecution amounted to a grant of immunity.

96. **FLEMMI** testified in support of his motion to dismiss in or about August and September 1998. **FLEMMI** gave false testimony under oath that was designed, among other things, to shield his corrupt relationship with former Federal Bureau of Investigation Special Agent John J. Connolly and to falsely attribute acts that

were corrupt and intended to assist **FLEMMI** to other agents of the Federal Bureau of Investigation. For example, **FLEMMI** falsely testified, in substance, that Federal Bureau of Investigation Special Agent John Morris had warned **FLEMMI** and **BULGER** in approximately December 1994 and January 1995 that **FLEMMI** and **BULGER** were about to be indicted and arrested. In fact, former Federal Bureau of Investigation Special Agent John J. Connolly had provided that warning to **FLEMMI**. **FLEMMI** coordinated with Connolly prior to **FLEMMI's** testimony regarding the substance of **FLEMMI's** testimony. Specifically, the defendant **STEPHEN J. FLEMMI**, while testifying under oath before the Court on August 20 and 28, 2000, knowingly made the following declarations in response to questions with respect to matters material to the proceedings before the Court:

(a) On August 20, 1998:

Defense Attorney Fishman: Did you receive some advance notice of this indictment?

STEPHEN FLEMMI: That's the big question, I guess. Yes.

Defense Attorney Fishman: And when did you receive advance notice?

STEPHEN FLEMMI: That information, when?

Defense Attorney Fishman: When?

STEPHEN FLEMMI: About a week prior to the indictment coming down.

Defense Attorney Fishman: And what was -- from whom did you hear that the -- what did you hear?

STEPHEN FLEMMI: What I heard, I got the information from Jim Bulger, who got the information from John Morris.

Defense Attorney Fishman: What did he say to you?

STEPHEN FLEMMI: He said that the indictments were coming down within a short period of time, within I believe a week or so, and that information, what he told me, was a memo from Washington that the indictments were there, and they were going to be coming down in a week.

Defense Attorney Fishman: Well, how do you know it was Morris?

STEPHEN FLEMMI: Jim Bulger told me.

Defense Attorney Fishman: What did he say?

STEPHEN FLEMMI: He told me Morris contacted him and told him the indictments were coming down; they were coming down within a week. And they came down within a week. At least I got arrested within a week - a week later.

(b) On August 28, 1998:

FLEMMI testified: "I'm saying that the indictment come down or the information, whatever it was that come down, I had information from Jim Bulger that the indictment come down - was coming down. I think it was a cross (sic) memo or a memo in Washington, and he had become aware of it. John Morris made him aware of it. He called me and made me aware of it."

97. The declarations of the defendant **STEPHEN J. FLEMMI** which are underscored and in bold type above, as he then and there well knew and believed, were false in that John J. Connolly, and not John Morris, had provided **BULGER** and **FLEMMI** with information concerning the imminent indictment.

All in violation of Title 18, United States Code, Section 1623.

COUNT THIRTY-ONE
(Obstruction of Justice)

98. On or about August 20 and 28, 1998, within the District of Massachusetts, the defendant

STEPHEN J. FLEMMI,

and others known and unknown to the grand jury, did corruptly endeavor to influence, obstruct, and impede the due administration of justice in that he knowingly made false and misleading declarations before a court of the United States in the District of Massachusetts, with intent to obstruct and impede the court proceedings set forth in Count Thirty above, the contents of which are hereby realleged and incorporated as if fully set forth herein.

All in violation of Title 18, United States Code, Sections 1503 and 2.

COUNT THIRTY-TWO
(Evidence Tampering)

99. In or about January 2000, within the District of Massachusetts, the defendant

STEPHEN J. FLEMMI,

and others known and unknown to the grand jury, did corruptly persuade another person, to wit, **MICHAEL S. FLEMMI** and others, with intent to cause and induce such person to alter and conceal objects, to wit, a large quantity of firearms stored in and removed from the vicinity of 832 East Third Street, South Boston, Massachusetts, with intent to impair those objects' integrity and availability for use in an official proceeding, to wit, a federal grand jury investigation and federal criminal prosecution of members and associates of the Bulger Group.

All in violation of Title 18, United States Code, Sections 1512(b)(2)(B) and 2.

COUNT THIRTY-THREE
(Obstruction of Justice)

100. In or about January 2000, within the District of Massachusetts, the defendants

**STEPHEN J. FLEMMI and
MICHAEL S. FLEMMI,**

and others known and unknown to the grand jury, did corruptly endeavor to influence, obstruct, and impede the due administration of justice, to wit, did knowingly and intentionally cause to be removed and remove a large quantity of firearms from the vicinity of 832 East Third Street, South Boston, Massachusetts in order to prevent their recovery and seizure by law enforcement officers and with intent to obstruct and impede a United States grand jury investigating members and associates of the Bulger Group.

All in violation of Title 18, United States Code, Sections 1503 and 2.

COUNT THIRTY-FOUR
(Perjury)

101. On or about June 7, 2000, within the District of Massachusetts, the defendant

MICHAEL S. FLEMMI,

while under oath and testifying in a proceeding before a grand jury of the United States in the District of Massachusetts, knowingly did make a false material declaration as set forth in paragraphs 102 through 104 of this Superseding Indictment.

102. At the time and place stated above, a United States grand jury in the District of Massachusetts was conducting an investigation of the criminal activities of the Bulger Group, including the involvement of members and associates of the Bulger Group in violent racketeering activities, such as assault and murder, involving the use of firearms and other weapons. It was material to this investigation that the grand jury determine when, where, and how members and associates of the Bulger Group acquired, stored, concealed, and moved weapons and ammunition at various locations and at various times, including in the vicinity of 832 East Third Street, South Boston, Massachusetts in or about and between the late 1980s and January 2000.

103. On or about January 13, 2000, law enforcement officers executed a search warrant at 832 East Third Street, South Boston, Massachusetts, which was the residence at times of the defendant **MICHAEL S. FLEMMI's** parents and his brother **STEPHEN J. FLEMMI.**

During the execution of that search warrant, law enforcement officers discovered a hidden location which contained silencers, a handgun, and ammunition and which appeared to have been constructed to conceal and store a large number of firearms. The defendant **MICHAEL S. FLEMMI** was thereafter served with a subpoena to testify before the grand jury described above regarding his knowledge of this hidden location and any weapons that had been concealed there. Testifying under oath before the grand jury on June 7, 2000, the defendant **MICHAEL S. FLEMMI** testified that, prior to the January 13, 2000 execution of the search warrant, he had never seen the hidden weapons storage location or any weapons concealed there and was unaware of its existence. Specifically, the defendant **MICHAEL S. FLEMMI**, while testifying under oath before the grand jury on June 7, 2000, knowingly made the following declarations in response to questions with respect to matters material to the grand jury investigation:

Q: Were there any occasions when you visited your parents when you were, you would spend time in this structure in the rear yard with them?

A: No, I never, I never, the last time I was in there was about three years ago. Somebody broke a window in one of the sliding doors, and I, I went down, and I asked my mother, 'What happened to the door?'

She said that she didn't know. So, I called the glass company, and they came in and put a glass, a new glass door in there.

Prior to that, the last time I was in there was in 1990 when they had a, my father's 50 -- it was

either his birthday or an anniversary. That's the last time it was used as far as I know.

* * *

Q: Okay. Now, as to any of the items that were found in that location during the execution of the search warrant, had you seen any of those items before that day?

A: Never.

* * *

Q: Prior to the execution of the search warrant that day, had you ever seen that hidden location behind the wall?

A: Never.

Q: Did you know it was there?

A: No, sir.

Q: Had you ever had any conversation with anybody about any hidden location in that detached structure?

A: No, sir.

Q: Had you ever seen any firearms at all at your mother's house --

A: No.

Q: -- prior to that day?

A: No, sir.

Q: Do you, do you have any knowledge as to whether, at anytime, there were any rifles in that rack structure?

A: I, that I couldn't tell you. I wouldn't know, sir.

* * *

Q: Now, as you sit here today, Mr. Flemmi, do you know whose firearm stuff that was?

A: No, sir.

Q: Do you have any idea how it got into that detached --

A: No, sir.

Q: -- structure?

A: No, sir.

Q: And you don't know who constructed that concealed location?

A: No, I don't, sir.

* * *

Q: Now, the, this panel behind which all this ammunition and other paraphernalia was found, I mean, it wasn't like if somebody had come in to burglarize, they would have known that the panel was there; is that fair to say?

A: If somebody came, I wouldn't know. I don't --

Q: Well, you've been in there. Did you know it was there?

A: No.

Q: Okay.

A: I was very surprised.

Q: And you've been in there several times?

A: Prior.

Q: In that sun room?

A: Well, a couple of times; yeah. I mean, prior to, when my father was there; yeah.

Q: And, you know, it wasn't obvious to you that it was there?

A: No.

104. The declarations of the defendant **MICHAEL S. FLEMMI** which are underscored and in bold type above, as he then and there well knew and believed, were false in that the defendant **MICHAEL S. FLEMMI** had seen the hidden weapons location prior to the execution of the search warrant on January 13, 2000, did have knowledge of its existence prior to the execution of the search warrant on January 13, 2000, and had participated at the direction of **STEPHEN J. FLEMMI** in the movement of weapons from that hidden location prior to the execution of the search warrant on January 13, 2000.

All in violation of Title 18, United States Code, Section 1623.

COUNT THIRTY-FIVE
(Obstruction of Justice)

105. On or about June 7, 2000, within the District of Massachusetts, the defendant

MICHAEL S. FLEMMI,

and others known and unknown to the grand jury, did corruptly endeavor to influence, obstruct, and impede the due administration of justice in that he knowingly made false and misleading declarations before a federal grand jury in the District of Massachusetts, with intent to obstruct and impede the grand jury investigation set forth in Count Thirty-Four above, the contents of which are hereby realleged and incorporated as if fully set forth herein.

All in violation of Title 18, United States Code, Sections 1503 and 2.

COUNT THIRTY-SIX

(Possession of Firearms in Furtherance of Violent Crime)

106. From in or before the late 1980s and continuing until in or about January 2000, both dates being approximate and inclusive, within the District of Massachusetts and elsewhere, the defendant

STEPHEN J. FLEMMI,

and others known and unknown to the grand jury, in furtherance of crimes of violence for which he could be prosecuted in a court of the United States, to wit, racketeering conspiracy and racketeering, as charged in Counts One and Two of this Superseding Indictment, did knowingly and intentionally possess one or more firearms, to wit, the following firearms concealed and stored in the vicinity of 832 East Third Street, South Boston, Massachusetts:

- a. .22-caliber High Standard derringer pistol, serial no. 1988516
- b. .38 special-caliber F.I.E. derringer pistol, serial no. 006539
- c. .22-caliber Sterling Arms pistol, serial no. A65037
- d. .357 magnum-caliber Astra revolver, serial no. R168791
- e. .38 special-caliber Smith & Wesson Airweight revolver, model 12-2, serial no. C812421
- f. .44 magnum-caliber Smith & Wesson revolver, serial no. S170577
- g. .357 magnum-caliber Smith & Wesson revolver, model 19-4, serial no. 58K4233

- h. .380-caliber Walther pistol, model PP, serial no. 38030A
- i. .380-caliber Walther pistol, model PP, serial no. 24082A
- j. .22-caliber High Standard pistol, model 101, serial no. 1488287
- k. 9mm-caliber Walther pistol, model P38, serial no. 833a
- l. .38 special-caliber Smith & Wesson revolver, model 36, serial no. 738299
- m. 9mm-caliber Walther pistol, model P38, serial no. 5052b
- n. .38 special-caliber Smith & Wesson revolver, model 15-2, serial no. K538670
- o. 9mm-caliber Uzi rifle, model A, serial no. SA02888m
- p. frame of .45-caliber Government pistol, model 1911A1, with no markings relating to serial no.
- q. .25-caliber Beretta Jetfire pistol, model 950B, serial no. B18595
- r. .45-caliber Colt pistol, model NM, serial no. 25603-NM
- s. .45-caliber Colt pistol, model NM, serial no. 11008-NM
- t. .45-caliber Ithaca pistol, model 1911A1, serial no. 1862465
- u. .25-caliber Astra pistol, model 1919, serial no. 240874
- v. .22-caliber Sturm, Ruger pistol, serial no. 442704
- w. .30 carbine-caliber Universal rifle, model M1, serial no. 48966
- x. .30 carbine-caliber Universal rifle, model M1, serial no. 9248
- y. .30 carbine-caliber National Ordinance rifle, model M1, serial no. 1695

- z. .45-caliber Volunteer Enterprises rifle, serial no. 04404
- aa. 30-06-caliber Remington rifle, model 742, serial no. 140619
- bb. 12-gauge Winchester shotgun, serial no. 825678(E)
- cc. .30 carbine-caliber Universal rifle, model M1, serial no. 122087
- dd. .30 mauser-caliber Mauser Broomhandle pistol, serial no. 368516
- ee. 30-06-caliber Springfield Armory rifle, model M1 garand, serial no. 2257285
- ff. 12-gauge Browning shotgun, serial no. 382736
- gg. 12-gauge Mossberg shotgun, model 500A, serial no. J821327
- hh. .30-carbine caliber Universal rifle, Model M1, serial no. 29541
- ii. .44 magnum-caliber Sturm, Ruger rifle, serial no. 93887
- jj. 12-gauge Winchester shotgun, model 12, serial no. 1670091
- kk. 308 win-caliber Browning rifle, serial no. 69373M70
- ll. 12-gauge Remington shotgun, serial no. 468099
- mm. 16-gauge LC Smith shotgun, serial no. FWS7866
- nn. 30-06-caliber Remington Wingmaster rifle, model 742, serial no. 7303765
- oo. .38 special-caliber Smith & Wesson revolver, Model 36, serial no. 67J140
- pp. 8 silencers not attached to other firearms

All in violation of Title 18, United States Code, Sections 924(c) and 2.

COUNT THIRTY-SEVEN

(Possession of Short-Barreled Shotguns and Semiautomatic Assault Weapons in Furtherance of Violent Crime)

107. From in or before the late 1980s and continuing until in or about January 2000, both dates being approximate and inclusive, within the District of Massachusetts and elsewhere, the defendant

STEPHEN J. FLEMMI,

and others known and unknown to the grand jury, in furtherance of crimes of violence for which he could be prosecuted in a court of the United States, to wit, racketeering conspiracy and racketeering, as charged in Counts One and Two of this Superseding Indictment, did knowingly and intentionally possess one or more short-barreled shotguns and semiautomatic assault weapons, to wit, the following short-barreled shotguns and semi-automatic assault weapons concealed and stored in the vicinity of 832 East Third Street, South Boston, Massachusetts:

- a. .30 carbine-caliber Plainfield Machine rifle with pistol grip, telescoping stock, and ability to accept detachable magazine, model M1, serial no. 23771
- b. 20-gauge Browning shotgun with cut-down barrel, serial no. C7177
- c. 12-gauge JC Higgins shotgun with cut-down barrel, model 120, and with no markings relating to serial no.
- d. 12-gauge Ithaca shotgun with cut-down barrel, model 37, serial no. 413280

All in violation of Title 18, United States Code, Sections 924(c) and 2.

COUNT THIRTY-EIGHT

(Possession of Machineguns and Firearms Equipped
with Firearm Silencers in Furtherance of Violent Crime)

108. From in or before the late 1980s and continuing until
in or about January 2000, both dates being approximate and
inclusive, within the District of Massachusetts and elsewhere,
the defendant

STEPHEN J. FLEMMI,

and others known and unknown to the grand jury, in furtherance of
crimes of violence for which he could be prosecuted in a court of
the United States, to wit, racketeering conspiracy and
racketeering, as charged in Counts One and Two of this
Superseding Indictment, did knowingly and intentionally possess
one or more machineguns and firearms equipped with firearm
silencers, to wit, the following machineguns and firearms
equipped with firearm silencers concealed and stored in the
vicinity of 832 East Third Street, South Boston, Massachusetts:

- a. .380-caliber Beretta pistol with attached
silencer/suppressor device, model 1934, serial no.
829376
- b. .32-caliber Spanish-made pistol with attached
silencer/suppressor device, serial no. 15641F
- c. .32-caliber Walther pistol with attached
silencer/suppressor device, model PPK, serial no.
430472K
- d. .380-caliber Beretta pistol with attached
silencer/suppressor device, serial no. C04695
- e. .380-caliber FN Browning pistol with attached
silencer/suppressor device, serial no. 65772

- f. .22-caliber Colt Woodsman pistol with attached silencer/suppressor device, serial no. 124447-S
- g. 2 .45-caliber fully automatic pistols without marking relating to manufacturer or serial no.
- h. .45-caliber United States Military submachinegun with attachable 13 1/4" silencer and no visible markings relating to serial no.
- i. .45-caliber Auto Ordinance Thompson submachinegun, model M1A1, serial no. 764694

All in violation of Title 18, United States Code, Sections 924(c) and 2.

COUNT THIRTY-NINE

(Possession of Firearms in Furtherance of Violent Crime)

109. From in or before the late 1980s and continuing until in or about 1999, both dates being approximate and inclusive, within the District of Massachusetts and elsewhere, the defendant

JAMES J. BULGER,

and others known and unknown to the grand jury, in furtherance of crimes of violence for which he could be prosecuted in a court of the United States, to wit, racketeering conspiracy and racketeering, as charged in Counts One and Two of this Superseding Indictment, did knowingly and intentionally possess one or more firearms, to wit, the following firearms concealed and stored in the vicinity of 8 Pilsudski Way and elsewhere in South Boston, Massachusetts:

- a. .22-caliber Smith & Wesson revolver, serial no. 5K80077
- b. .22-caliber H&R revolver, model 622, serial no. AC70048
- c. .22-caliber Ruger Mach-II pistol, serial no. 213-10088
- d. .45-caliber R.P.B. Industries pistol, model M10, serial no. obliterated
- e. 9mm-caliber Walther pistol, model P-38, serial no. 3587f
- f. 9mm-caliber Walther pistol, model P-38, serial no. 746h
- g. .38 special-caliber Smith & Wesson revolver, model 10-6, serial no. D152092

- h. .38 special-caliber Smith & Wesson revolver, model 15-3, serial no. 3K24947
- i. .38 special-caliber Smith & Wesson revolver, model 40, serial no. L314

All in violation of Title 18, United States Code, Sections 924(c) and 2.

COUNT FORTY

(Possession of Machineguns in Furtherance of Violent Crime)

110. From in or before the late 1980s and continuing until in or about 1999, both dates being approximate and inclusive, within the District of Massachusetts and elsewhere, the defendant

JAMES J. BULGER,

and others known and unknown to the grand jury, in furtherance of crimes of violence for which he could be prosecuted in a court of the United States, to wit, racketeering conspiracy and racketeering, as charged in Counts One and Two of this Superseding Indictment, did knowingly and intentionally possess one or more machineguns, to wit, the following machineguns concealed and stored in the vicinity of 8 Pilsudski Way and elsewhere in South Boston, Massachusetts:

- a. 9mm-caliber German MP40 submachinegun, serial no. 1577q
- b. 9mm-caliber German MP40 submachinegun, serial no. obliterated
- c. 9mm-caliber German MP40 submachinegun, serial no. 5132e
- d. 5.56mm-caliber Colt fully automatic rifle, model M16A1, serial no. 4765939
- e. .45-caliber M3 submachinegun, serial no. GLC753432
- f. .30-caliber U.S. carbine fully automatic rifle, model M2, serial no. 4667381

All in violation of Title 18, United States Code, Sections 924(c) and 2.

COUNT FORTY-ONE
(Possession of Unregistered Machineguns,
Silencers, and Cut-Down Shotguns)

111. From in or about the late 1980s and continuing until in or about January 2000, both dates being approximate and inclusive, within the District of Massachusetts, the defendant

STEPHEN J. FLEMMI,

and others known and unknown to the grand jury, did knowingly and intentionally possess one or more firearms, to wit, the following machineguns, silencers, and cut-down shotguns, which were not registered to him in the National Firearms Registration and Transfer Record and which were concealed and stored in the vicinity of 832 East Third Street, South Boston, Massachusetts:

- a. silencer attached to .380-caliber Beretta pistol, model 1934, serial no. 829376
- b. silencer attached to .32-caliber Spanish-made pistol, serial no. 15641F
- c. silencer attached to .32-caliber Walther pistol, model PPK, serial no. 430472K
- d. silencer attached to .32-caliber Beretta pistol, serial no. C04695
- e. silencer attached to .32-caliber FN Browning pistol, serial no. 65772
- f. silencer attached to .22-caliber Colt Woodsman pistol, serial no. 124447-S
- g. 2 .45-caliber fully automatic pistols without markings relating to manufacturer or serial no.
- h. .45-caliber United States Military submachinegun with attachable 13 1/4" silencer and no visible markings relating to serial no.

- i. .45-caliber Auto Ordinance Thompson submachinegun, model M1A1, serial no. 764694
- j. 8 silencers not attached to other firearms
- k. 20-gauge Browning shotgun with cut-down barrel, serial no. C7177
- l. 12-gauge JC Higgins shotgun with cut-down barrel, model 120, and with no markings relating to serial no.
- m. 12-gauge Ithaca shotgun with cut-down barrel, model 37, serial no. 413280

All in violation of Title 26, United States Code, Sections 5841, 5845(a), 5861(d), and 5871 and Title 18, United States Code, Section 2.

COUNT FORTY-TWO
(Possession of Unregistered Machineguns)

112. From in or about the late 1980s and continuing until in or about 1999, both dates being approximate and inclusive, within the District of Massachusetts and elsewhere, the defendant

JAMES J. BULGER,

and others known and unknown to the grand jury, did knowingly and intentionally possess one or more firearms, to wit, the following machineguns, which were not registered to him in the National Firearms Registration and Transfer Record and which were concealed and stored in the vicinity of 8 Pilsudski Way and elsewhere in South Boston, Massachusetts:

- a. 9mm-caliber German MP40 submachinegun, serial no. 1577q
- b. 9mm-caliber German MP40 submachinegun, serial no. obliterated
- c. 9mm-caliber German MP40 submachinegun, serial no. 5132e
- d. 5.56mm-caliber Colt fully automatic rifle, model M16A1, serial no. 4765939
- e. .45-caliber M3 submachinegun, serial no. GLC753432
- f. .30-caliber U.S. carbine fully automatic rifle, model M2, serial no. 4667381

All in violation of Title 26, United States Code, Sections 5841, 5845(a), 5861(d), and 5871 and Title 18, United States Code, Section 2.

COUNT FORTY-THREE

(Possession of Unregistered Machineguns,
Silencers, and Cut-Down Shotguns)

113. In or about January 2000, within the District of
Massachusetts, the defendant

MICHAEL S. FLEMMI,

and others known and unknown to the grand jury, did knowingly and
intentionally possess one or more firearms, to wit, the following
machineguns, silencers, and cut-down shotguns, which were not
registered to him in the National Firearms Registration and
Transfer Record and which were concealed and stored in, and
removed from, the vicinity of 832 East Third Street, South
Boston, Massachusetts:

- a. silencer attached to .380-caliber Beretta pistol, model
1934, serial no. 829376
- b. silencer attached to .32-caliber Spanish-made pistol,
serial no. 15641F
- c. silencer attached to .32-caliber Walther pistol, model
PPK, serial no. 430472K
- d. silencer attached to .32-caliber Beretta pistol, serial
no. C04695
- e. silencer attached to .32-caliber FN Browning pistol,
serial no. 65772
- f. silencer attached to .22-caliber Colt Woodsman pistol,
serial no. 124447-S
- g. 2 .45-caliber fully automatic pistols without markings
relating to manufacturer or serial no.
- h. .45-caliber United States Military submachinegun with
attachable 13 1/4" silencer and no visible markings
relating to serial no.

- i. .45-caliber Auto Ordinance Thompson submachinegun, model M1A1, serial no. 764694
- j. 8 silencers not attached to other firearms
- k. 20-gauge Browning shotgun with cut-down barrel, serial no. C7177
- l. 12-gauge JC Higgins shotgun with cut-down barrel, model 120, and with no markings relating to serial no.
- m. 12-gauge Ithaca shotgun with cut-down barrel, model 37, serial no. 413280

All in violation of Title 26, United States Code, Sections 5841, 5845(a), 5861(d), and 5871 and Title 18, United States Code, Section 2.

COUNT FORTY-FOUR
(Transfer and Possession of Machineguns)

114. From in or about the late 1980s and continuing until in or about January 2000, both dates being approximate and inclusive, within the District of Massachusetts, the defendant

STEPHEN J. FLEMMI,

and others known and unknown to the grand jury, did knowingly and intentionally transfer and possess one or more machineguns, to wit, the following machineguns which were concealed and stored in, and removed from, the vicinity of 832 East Third Street, South Boston, Massachusetts:

- a. .45-caliber United States Military submachinegun with attachable 13 1/4" silencer and no visible markings relating to serial no.
- b. .45-caliber Auto Ordinance Thompson submachinegun, model M1A1, serial no. 764694
- c. 2 .45-caliber fully automatic pistols without markings relating to manufacturer or serial no.

All in violation of Title 18, United States Code, Sections 922(o) and 2.

COUNT FORTY-FIVE

(Transfer and Possession of Machineguns)

115. From in or about the late 1980s and continuing until in or about 1999, both dates being approximate and inclusive, within the District of Massachusetts and elsewhere, the defendant

JAMES J. BULGER,

and others known and unknown to the grand jury, did knowingly and intentionally transfer and possess one or more machineguns, to wit, the following machineguns which were concealed and stored in the vicinity of 8 Pilsudski Way and elsewhere in South Boston, Massachusetts:

- a. 9mm-caliber German MP40 submachinegun, serial no. 1577q
- b. 9mm-caliber German MP40 submachinegun, serial no. obliterated
- c. 9mm-caliber German MP40 submachinegun, serial no. 5132e
- d. 5.56mm-caliber Colt fully automatic rifle, model M16A1, serial no. 4765939
- e. .45-caliber M3 submachinegun, serial no. GLC753432
- f. .30-caliber U.S. carbine fully automatic rifle, model M2, serial no. 4667381

All in violation of Title 18, United States Code, Sections 922(o) and 2.

COUNT FORTY-SIX

(Transfer and Possession of Machineguns)

116. In or about January 2000, within the District of Massachusetts, the defendant

MICHAEL S. FLEMMI,

and others known and unknown to the grand jury, did knowingly and intentionally transfer and possess one or more machineguns, to wit, the following machineguns which were concealed and stored in, and removed from, the vicinity of 832 East Third Street, South Boston, Massachusetts:

- a. .45-caliber United States Military submachinegun with attachable 13 1/4" silencer and no visible markings relating to serial no.
- b. .45-caliber Auto Ordinance Thompson submachinegun, model M1A1, serial no. 764694
- c. 2 .45-caliber fully automatic pistols without markings relating to manufacturer or serial no.

All in violation of Title 18, United States Code, Sections 922(o) and 2.

COUNT FORTY-SEVEN

(Possession of Firearms with Obliterated Serial Numbers)

117. From in or about the late 1980s and continuing until in or about January 2000, within the District of Massachusetts, the defendant

STEPHEN J. FLEMMI,

and others known and unknown to the grand jury, did knowingly and intentionally possess a firearm which had the manufacturer's serial number removed, obliterated, and altered and which had been shipped and transported in interstate and foreign commerce, to wit, the following firearm which was concealed and stored in the vicinity of 832 East Third Street, South Boston, Massachusetts: .45-caliber United States Military submachinegun with attachable 13 1/4" silencer and no visible markings relating to serial no.

All in violation of Title 18, United States Code, Sections 922(k) and 2.

COUNT FORTY-EIGHT

(Possession of Firearms with Obliterated Serial Numbers)

118. From in or about the late 1980s and continuing until in or about 1999, within the District of Massachusetts and elsewhere, the defendant

JAMES J. BULGER,

and others known and unknown to the grand jury, did knowingly and intentionally possess one or more firearms which had the manufacturer's serial number removed, obliterated, and altered and which had been shipped and transported in interstate and foreign commerce, to wit, the following firearms which were concealed and stored in the vicinity of 8 Pilsudski Way and elsewhere in South Boston, Massachusetts:

- a. .45-caliber R.P.B. Industries pistol, model M10, serial no. obliterated
- b. 9mm-caliber German MP40 submachinegun, serial no. obliterated

All in violation of Title 18, United States Code, Sections 922(k) and 2.

MONEY LAUNDERING FORFEITURE ALLEGATIONS

119. The allegations of Counts Five through Twenty-Seven of this Superseding Indictment are hereby realleged and incorporated herein for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Section 982.

120. As a result of the offenses in violation of Title 18, United States Code, Sections 1956 and 1957, set forth in Counts Five through Twenty-Seven of this Superseding Indictment, the defendants

**JAMES J. BULGER and
STEPHEN J. FLEMMI**

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(1), all property, real and personal, involved in such offenses, and all property traceable to such property. The property to be forfeited by the defendants pursuant to Section 982(a)(1) includes, but is not limited to, all of the defendants' joint and several interests in the following assets:

- a. Approximately \$2,500,000 in United States currency;
- b. South Boston Liquor Mart, Inc., a Massachusetts corporation doing business as Columbia Wine and Spirits;
- c. Columbia Wine and Spirits, Inc., a Massachusetts corporation; and

d. The real property, with all rights appertaining thereto, located at 295 Old Colony Avenue, South Boston, Massachusetts, title to which appears at Book 15995, Page 291, of the Suffolk County Registry of Deeds.

121. If any of the property described in paragraph 120 hereof as being forfeitable pursuant to Title 18, United States Code, Section 982(a)(1), as a result of any act or omission of the defendants --

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred to, sold to, or deposited with a third party;
- c. has been placed beyond the jurisdiction of this Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 18, United States Code, Section 982(b)(1), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of all other property of the defendants up to the value of the property described in subparagraphs a through e of this paragraph.

All pursuant to Title 18, United States Code, Section 982.

RACKETEERING FORFEITURE ALLEGATIONS

122. The allegations of Counts One and Two of this Superseding Indictment are hereby realleged and incorporated herein for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Section 1963.

123. As a result of the offenses in violation of Title 18, United States Code, Section 1962, set forth in Counts One and Two of this Superseding Indictment, the defendants

**JAMES J. BULGER and
STEPHEN J. FLEMMI**

shall forfeit to the United States of America pursuant to Title 18, United States Code, Section 1963(a):

(i) all interests the defendants have acquired and maintained in violation of Title 18, United States Code, Section 1962, wherever located, and in whatever names held;

(ii) all interests in, securities of, claims against, and properties and contractual rights of any kind affording a source of influence over, any enterprise which the defendants have established, operated, controlled, conducted, and participated in the conduct of, in violation of Title 18, United States Code, Section 1962; and

(iii) all property constituting, and derived from, any proceeds which the defendants obtained, directly and indirectly, from racketeering activity in violation of Title 18, United States Code, Section 1962. The property to be forfeited by the

defendants pursuant to Title 18, United States Code, Section 1963 and subparagraphs (i) through (iii) of this paragraph, includes, but is not limited to, all of the defendants' joint and several interests in the following assets:

- a. Approximately \$10,000,000 in United States currency;
- b. South Boston Liquor Mart, Inc., a Massachusetts corporation doing business as Columbia Wine and Spirits;
- c. Columbia Wine and Spirits, Inc., a Massachusetts corporation;
- d. The real property, with all rights appertaining thereto, located at 295 Old Colony Avenue, South Boston, Massachusetts, title to which appears at Book 15995, Page 291, of the Suffolk County Registry of Deeds;
- e. Rotary Variety Store Company, Inc., a Massachusetts corporation and any and all proceeds derived therefrom;
- f. The real property, with all rights appertaining thereto, located at 309-325 Old Colony Avenue, South Boston, Massachusetts, title to which appears at Book 18931, Page 294, of the Suffolk County Registry of Deeds and any and all proceeds derived therefrom;
- g. Triple "O," Inc., a Massachusetts corporation;
- h. Triple O's Nominee Trust;

i. The real property, with all rights appertaining thereto, located at 28-30 West Broadway, South Boston, Massachusetts, title to which appears at Book 16748, Page 251, of the Suffolk County Registry of Deeds; and

j. All weapons and ammunition acquired and maintained by the defendants in violation of Title 18, United States Code, Section 1962, including, but not limited to, all of the handguns, rifles, automatic weapons, and shotguns, ammunition of various types and calibers, explosive devices and materials, silencers, and other weapons acquired, maintained, secreted, and stored by the defendants at various locations, as described in paragraph 13 of this Superseding Indictment, some of which are more specifically described in Paragraphs 106 through 118 of this Superseding Indictment.

124. If any of the property described in paragraph 123 hereof as being forfeitable pursuant to Title 18, United States Code, Section 1963, as a result of any act or omission of the defendants --

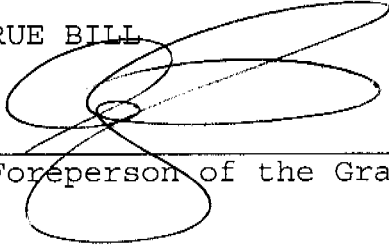
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred to, sold to, or deposited with a third party;
- c. has been placed beyond the jurisdiction of this Court;


- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 18, United States Code, Section 1963(m), to seek forfeiture of all other property of the defendants up to the value of the property described in subparagraphs a through e of this paragraph.

All pursuant to Title 18, United States Code, Section 1963.


A TRUE BILL


Foreperson of the Grand Jury


Assistant United States Attorney

DISTRICT OF MASSACHUSETTS; MAY 23, 2001 12:50pm

Returned into the District Court by the Grand Jurors and
filed.


Deputy Clerk

United States District Court

DISTRICT OF
MASSACHUSETTS

UNITED STATES OF AMERICA
V.

CATHERINE GREIG
16 Hillcrest Road
Quincy, Massachusetts

CRIMINAL COMPLAINT

CASE NUMBER: 97-217-JLA

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about January 5, 1995 and thereafter in Quincy county, in the District of Massachusetts defendant(s) did, (Track Statutory Language of Offense:

harbor and conceal James J. Bulger a/k/a Jimmy Bulger, a/k/a Whitey Bulger, a person for whose arrest a warrant had been issued under the laws of the United States, so as to prevent Bulger's discovery and arrest, after notice and knowledge of the fact that a warrant had been issued for the apprehension of Bulger,

in violation of Title 18 United States Code, Section(s) 1071

I further state that I am a(n) F.B.I. Special Agent and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT OF CHARLES J. GIANTURCO

Continued on the attached sheet and made a part hereof: ☐ Yes ☐ No

Charles J. Gianturco
Signature of Complainant

Sworn to before me and subscribed in my presence,

4/25/97
Date

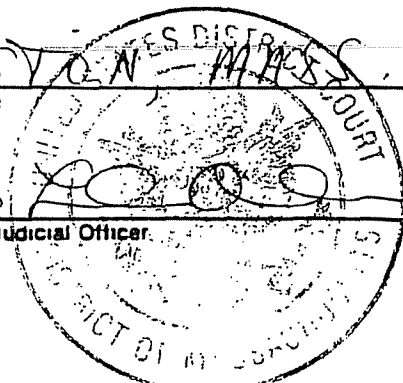
at

BOSTON - MASS.
City and State

Chief U.S. MAGISTRATE JUDGE
Name & Title of Judicial Officer

Joyce London Alexander

Joyce London Alexander
Signature of Judicial Officer



AFFIDAVIT

I, CHARLES J. GIANTURCO, having been duly sworn, do state under oath:

Identity of Affiant

1. I am currently employed as a Special Agent with the Federal Bureau of Investigation ("FBI"), and have been so employed for the past 19 years. I am presently assigned to the Organized Crime Squad in Boston, MA.

The BULGER Fugitive Investigation

2. I am the case agent in charge of the fugitive investigation concerning JAMES J. BULGER, a/k/a Jimmy Bulger, a/k/a Whitey Bulger. As the case agent, I am familiar with all efforts that have been made to locate and arrest BULGER since January 5, 1995.

3. On January 5, 1995, a Criminal Complaint was filed in federal court in Boston, Massachusetts charging BULGER with extortion in violation of 18 U.S.C. § 1951. Based on that Complaint, an arrest warrant for BULGER issued that same day.

4. On January 10, 1995, a federal grand jury sitting in Boston, Massachusetts, returned a multi-count indictment against BULGER and several of his associates, charging BULGER with, among other things, extortion and violations of the federal RICO statute, 18 U.S.C. § 1962(c). Based upon BULGER's indictment, a new arrest warrant issued on January 10, 1995.

5. Despite extensive efforts by myself and other law enforcement personnel, and despite the wide publicity BULGER's

case has received,¹ BULGER has not been apprehended. Since January 5, 1995, BULGER has been a fugitive from justice.

6. BULGER has to date been successful in his efforts to avoid detection and arrest, at least in part because he has been harbored and concealed by friends and acquaintances, including CATHERINE GREIG.

Purpose of Affidavit

7. This Affidavit has been prepared in support of a Criminal Complaint charging GREIG with harboring and concealing BULGER from arrest in violation of 18 U.S.C. § 1071.

8. Unless otherwise stated, the information presented in this Affidavit is based upon my own personal knowledge and/or discussions I have had with other law enforcement personnel involved in the BULGER fugitive investigation.

Observations of GREIG in January 1995

9. Teresa Stanley has informed me that she was BULGER'S girlfriend for the past two decades. She has further informed me that in or about the fall of 1994, she learned, for

¹ On January 5, 1995, BULGER'S indictment and arrest warrant was the lead story on the 11:00 news on each of Boston's three major television stations. On January 6, 1995, BULGER'S photograph was displayed on the front page of both the Boston Globe and the Boston Herald. On that same day and on numerous subsequent dates, these newspapers carried lead stories about BULGER and the fact that he had managed to elude law enforcement.

BULGER'S indictment and law enforcement's efforts to find and arrest him have also gained national attention. The BULGER story has, for instance, been featured on the television programs "America's Most Wanted," in January and August 1995, and "Unsolved Mysteries" on November 10, 1996. In addition, BULGER'S photograph has been displayed in USA Today in a worldwide advertisement announcing his fugitive status.

the first time, that throughout most or all of the time she had been BULGER's girlfriend, BULGER had also been romantically involved with GREIG. This news caused a strain in Stanley's relationship with BULGER.

10. From in or about April 1996 through in or about October 1996, Stanley cooperated with and provided information to federal law enforcement in our efforts to locate and arrest BULGER.

11. During the period of her cooperation, Stanley informed me that at the time the arrest warrants for BULGER issued, i.e., January 5 and 10, 1995, she was with BULGER at a location outside of Massachusetts. Stanley informed me that in mid-January 1995, BULGER returned her to Massachusetts, at which point, she believes, he picked up GREIG, and had been with her ever since.

12. Law enforcement personnel have not seen GREIG since January 5, 1995. Moreover, as far as law enforcement has been able to determine, GREIG has not been in or near her last known residence, 16 Hillcrest Road, Quincy, Massachusetts, since January or February 1995.

13. In March 1995 one of GREIG's former neighbors from Hillcrest Road told law enforcement that he had not seen GREIG in weeks. This individual as well as another Hillcrest Road resident were interviewed in November 1996, at which time they informed me that they had not seen GREIG in years.

14. In or about the fall or early winter of 1996, i.e., in the October-November 1996 time period, Special Agent David Lazarus of the IRS/CID attempted to serve GREIG with a grand jury subpoena. SA Lazarus's efforts proved unsuccessful as he was unable to locate her on Hillcrest Road or anywhere else.

15. On January 5, 1995, shortly after BULGER's arrest warrant issued, GREIG was observed by law enforcement personnel. The circumstances were as follows: In an effort to locate BULGER, FBI Special Agents and a Boston Police Detective conducted surveillance of KEVIN WEEKS, a known associate of BULGER's. At 10:00 p.m. on January 5, 1995, WEEKS was observed at the L Street Tavern, 658A East 8th Street, South Boston, Massachusetts. At 10:30 p.m., advertisements for the 11:00 news on several major Boston television channels announced that federal authorities were looking for BULGER and provided information that an arrest warrant on federal charges had issued for BULGER. At approximately 10:35 p.m., just minutes after the advertisements featuring BULGER had aired, WEEKS left the L Street Tavern, and drove away at a high rate of speed, apparently attempting to elude surveillance. At approximately the same time, GREIG, who was also under surveillance, was observed leaving her Quincy home and driving to South Boston. At approximately 11:00 p.m., WEEKS and GREIG were observed meeting with one another on the streets of South Boston. I believe that the purpose of this meeting was to discuss BULGER's whereabouts and efforts that would be made to help him avoid apprehension.

The "Baxter" Alias and Observations of BULGER and GREIG in 1996

16. According to Stanley, BULGER has from time to time used the alias "TOM BAXTER." Stanley has specifically informed me that BULGER used the Baxter alias in Selden, New York on various occasions.

17. A New York driver's license was issued on June 12, 1990 and renewed on July 7, 1994, in the name of THOMAS F. BAXTER, with a listed date of birth of June 12, 1932, and a residential address of 18 Gerta Court, Selden, New York. A true and accurate copy of the Baxter driver's license is attachment A hereto. The person depicted in the photograph on the license is BULGER. I know this because I have seen dozens of photographs of BULGER, and because other agents who have worked with me on this investigation personally observed BULGER numerous times in the late 1980s and early 1990s, prior to his disappearance, and they have told me that the person depicted on the New York driver's license is BULGER.

18. A records check of the State of New York, Department of Motor Vehicles, indicates that a 1994 Mercury Grand Marquis, bearing N.Y. license number B146YP, vehicle identification number 2MELM75W3RX626873, was registered in the name of THOMAS F. BAXTER, 18 Gerta Court, Selden, New York. Further investigation has determined that this car, which was black in color, was purchased by BULGER, presenting himself as Baxter, from a car dealership in Port Jefferson, New York on or about January 17, 1995.

19. The owners of 18 Gerta Court, Selden, New York, are Primitivo and Nadine Matos, both of whom have lived there since February 1990. Primitivo Matos has told me that he knows a person who goes by the name of "Thomas Baxter." According to Mr. Matos, "Baxter" introduced himself to the Matoses as a merchant seaman approximately 20 years ago. Since that first meeting, "Baxter" has been an acquaintance who has stayed in Matos's home on average one or two times per year. Prior to my discussions with Mr. Matos, he had never heard of BULGER. However, when he was shown a photograph of BULGER, he instantly identified him as the person he has known as "Tom Baxter."

20. Primitivo Matos told me that he last saw "Baxter" in October 1995, at which time "Baxter" was with his girlfriend "Catherine." According to Matos, "Baxter" and his girlfriend stayed in a motel nearby Matos's Selden home. Record checks of nearby motels, determined that "Mr. & Mrs. Thomas Baxter" stayed at the Best Western McArthur Hotel, 1730 North Ocean Avenue, Holtsville, New York 11742, from September 30 through October 7, 1995. (Holtsville is on Long Island and is the town adjacent to Selden.) "Mr. & Mrs. Baxter" checked into the Holtsville Best Western using 18 Gerta Court, Selden, New York, as a home address. "Mr. Baxter" used a New York driver's license for identification, and he paid cash for his and his "wife's" stay.

21. On January 14, 1997, I interviewed an individual in Grand Isle, Louisiana, and showed him/her a photograph of BULGER. That individual, like Mr. Matos, had never heard of

BULGER, but recognized the photograph as that of a person he/she had come to know as "Tom." According to this individual, "Tom" had lived in Grand Isle during early 1995 and during the winter months of 1996. The individual further recalled that "Tom" had driven a full sized black car with New York plates. The description of the car given by this individual is perfectly consistent with the black Mercury Marquis purchased by BULGER, using the name Tom Baxter, and registered in New York. See ¶18 above.

22. This same individual was shown a photograph of Margaret McCusker, the identical twin sister of GREIG. The individual identified the woman in the photograph as being identical to a female companion who had been with BULGER in early 1995 and in the winter months of 1996. The individual recalled that the woman had introduced herself as "HELEN," and that neither "Helen" nor "Tom" had ever provided the individual with a last name. The individual further recalled that on one occasion, "Tom" and "Helen" had refused to have their pictures taken with the individual's family.

23. On January 14, 1997, I also spoke with Rosco Besson, the Chief of Police in Grand Isle, Louisiana, and showed him a photograph of BULGER. Chief Besson advised me that the person depicted in the photograph had been in Grand Isle. Chief Besson then conducted an investigation, and told me later in the day that he had determined the following: (i) the person in the photograph, i.e., BULGER, had been in Grand Isle during January

and February 1995, and January and February 1996; (ii) during both the 1995 and 1996 visits, BULGER had been accompanied by a blond haired white female named "Helen," approximately 45 years old;² (iii) "Helen" had told witnesses that she was from New York; and (iv) "Helen" and "Tom" had been seen driving in a black Grand Marquis with New York license plates.

24. Interviews by myself and other FBI agents with various persons familiar with both GREIG and Margaret McCusker, GREIG's sister, as well as frequent physical surveillance of McCusker since May 1996, indicate that McCusker has been living in Boston, Massachusetts since January 1995. I, therefore, believe that the individual who was with "Tom" in Grand Isle in January and February 1995 and January and February 1996, who called herself "Helen," and who was identified by Grand Isle witnesses as the person depicted in a photograph of McCusker, was CATHERINE GREIG.


Probable Cause

25. Based upon all of the above information, I have probable cause to believe that since in or about January 1995 to date, CATHERINE GREIG has harbored and concealed BULGER, a person for whose arrest a warrant has been issued under the laws of the United States, so as to prevent BULGER's discovery and arrest, after notice and knowledge of the fact that a warrant had been

² CATHERINE GREIG's date of birth is is 46 years old.

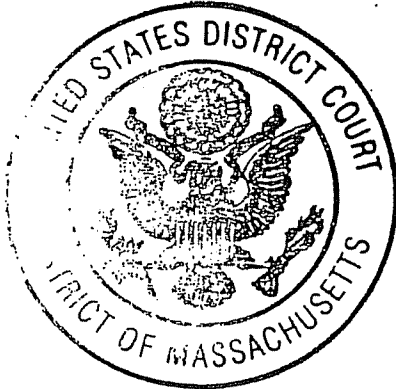
. She

issued for the apprehension of BULGER, all in violation of 18
U.S.C. § 1071.



CHARLES J. GIANTURCO
Special Agent
Federal Bureau of Investigation

Sworn and subscribed to before me this th 25 day of April
1997.





JOYCE LONDON ALEXANDER
Chief United States Magistrate Judge

PAS	
B146YP	
1992 MERCU	NONTRANSFERABLE
4DSD CV	IMECM50U5MA642102
2880 G 6	E326160 OCT 18 1993
INTERACT	PUBLIC DLS HUD308 X2 ONLY
BAXTER, THOMAS, F	10/17/95
18 GERTA CT	*NYMA*
Selden NY	25.00
	11784
	ANNUAL CHG
E326160	68.50

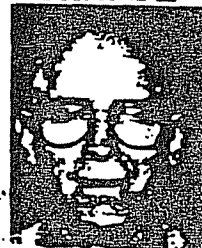
AUTO NONTRANSFERABLE
 5031300852 AD170850 LAS 17.75
 B146YP

BAXTER, THOMAS, F

NEW YORK STATE

Patricia B. Allen
 ID: 539 635 507
 DOB: 05-12-82

DRIVER LICENSE



BAXTER, THOMAS, F
 18 GERTA CT
 SELDEN NY
 11784-1434

SEX: M EYES: BL HT: 5-10 CLASS: D
 END: FEED D
 ISSUED: 07-07-93 EXPIRES: 03-12-93

R. F. Baxter